DOCUMENT RESUME

ED 210 786 EA 014 261

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TITLE Value Conflict Between American Families and American Schools. Final Report.
INSTITUTION Massachusetts Univ., Amherst.
SPONS AGENCY National Inst. of Education (ED), Washington, D.C.
PUB DATE 81
GRANT NIE-G-79-0161
NOTE 146p.

EDRS PRICE MF01/PC06 Plus Postage.
DESCRIPTORS *Censorship; Compulsory Education; Court Litigation; Creationism; Elementary Secondary Education; *Family Role; *Family School Relationship; Freedom of Speech; Out of School Youth; School Attendance Legislation; School Attitudes; *School Role; *Textbook Selection; Values
IDENTIFIERS *Home Schooling

ABSTRACT

Based on articles about and interviews with citizens and school staffs involved in value conflicts, this report looks at two sources of home-school conflicts--home education and book selection. The first section considers the positive and negative consequences of parent-school conflicts about home schooling; summarizes attitudes of families who resist compulsory schooling; and clarifies the problem of proving that a home education plan is equivalent to that offered by the school. It also looks at the public reaction to home schooling and the ideological defense of government schooling. The issues involved in court litigation on home schooling are examined, especially the questions of how much power a family has over the education of its children and how much power school authorities have to regulate home schooling. The second section of the report treats the topic of book selection and looks at the censorship of books in libraries and classrooms on grounds of religion, science, patriotism, or obscenity. The issue of creationism is dealt with in detail. The section closes by looking at the effects of book selection conflict on teachers, school board members, and students. The report concludes with a number of recommendations, including increased recognition of First Amendment consequences of school policy and structure. (Author/JM)

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FINAL REPORT
to
National Institute of Education

Grant # NIE-G-79-0161
Stephen Arons

Value Conflict Between American Families and American Schools

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1981

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Final Report

Value Conflict Bewteen American Families
And American Schools

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Note: The page numbers refer to consecutively number pages, lower right hand corner. Each section is also numbered separately.

Parts I and II are subdivided into chapters and in general are in book format in which they will eventually appear, with appropriate credit to NIE support.

Final Report
to National Institute of Education
under Grant # NIE-G-79-0161

Value Conflict Between American Families And American Schools

by Stephen Arons

Introduction

For nearly a century Americans have assumed that school decisions are the proper province of the political majority. Any fear that such majority control of public school systems unfairly burdens dissenting families has been quelled by the knowledge that the U.S. Constitution has been interpreted to guarantee a citizen's right to choose an alternative to public school. Increasingly, however, school conflict demonstrates that faith in this "escape hatch" machanism of protecting the education rights of dissenters is misplaced. Families are becoming more concerned with issues of value content and ethical development in their children and are finding it harder to ignore the central role which schooling plays in the socialization of children and the transmission of culture. The question of whether a majority controlled school system can adequately respond to these concerns is heightened by the growing realization that the distribution of tax-based school funds effectively restricts the right of educational choice to the wealthy.

This report examines two increasingly prevalent types of school conflict -- home education and book selection -- which raise the question of whether majority controlled schooling is acceptable in a democratic society. The body of the report, in two parts, describes, categorizes and analyzes impressions gained from dozens of case studies conducted during 1979 and 1980. The research on these conflicts consisted mostly of extended interviews with parents, school children, school officials on local and state levels, attorneys, teachers and other community members. Many of the informants requested and were guaranteed anonymity because of the on-going nature of the conflicts in which they were involved. Following parts I and II a series of conclusions and recommendations are presented. In addition to suggestions for further study of conflict resolving mechanisms other than litigation, the effort is made to recast the public and professional understanding of what is at stake in conflicts over issues of conscience and world-view in schools. Neither the analyses in parts I and II nor the conclusions and recommendations are empirically based. Whatever merit they have rests upon the perceptions of the researcher, the standards of judgment generated over a decade of experience in education law, and a year's experience with mediation.

A brief historical note will put the conflicts reported here in context. Since the advent of compulsory schooling in the late 19th and early 20th century, considerable rancor and debate have been focused on specific decisions about how America's children should be reared in public schools. Using schools as a means of reforming society by manipulating the consciousness of children has been an everyday part of the politics of American life for longer than any of us remember. The official formulation of truth or proper behavior or acceptable belief in the schools has never attained a coherence sufficient to prove the existence of a conspiracy to mold children to a single image. But the frequency and pitch of conflict over school values and socialization issues has so seriously restricted the ability of some families to preserve their own subculture or to develop unorthodox beliefs and unpopular values that it is fair to refer to prevailing school practices at any one time and place as a form of publicly sponsored orthodoxy. This is true as far back as Horace Mann's efforts to make Christianity the basis of public school reform and as recently as the debate over Darwinism and Creationism in high school science texts.

Less seems to have been at stake in these controversies prior to state adoption of compulsory attendance statutes. In 1789, when the Constitution was adopted, schooling was neither compulsory nor universal. In most places it was not tax supported. Under these circumstances the operative presumption seems to have been that each family would provide its children with the formal and informal education which they needed. The inequities built into this system were legion. Slaves could not, by law, be educated, for it was a crime in many states to teach a black child or adult to read. Glaring inequalities in class, gender, and economic resources operated to distort the presumption of family education responsibility. The result was that many families were unable to meet their own expectations or their children's needs; and education and power began to go hand in hand. Though there were some so-called "charity schools" established to provide formal schooling on a local level, nowhere in the culture was there an assumption that the society as a whole had either the power or the responsibility to provide formal, compulsory schooling. Education was an individual rather than a social activity. Two hundred years later, as society begins to reduce inequalities in education based on race, gender and economic discrimination, the government mechanisms used to reach these essential equalities have all but eliminated the individual nature of education by regulating its content.

This sacrifice of education liberty as the price of attaining equality of education resources and an end to discrimination was not inevitable. Even after public schools provided at taxpayer expense became available in the late 19th century the presumption of family responsibility and control remained. The strength of this parental prerogative

in education can be gauged by the "right of excusal." At common law prior to the early 20th century, state courts generally upheld the right of parents to have their children excused from any course or program of study to which the parents objected. No questions were asked concerning the parents' motivation for such excusals; and although the effect on the efficiency and good order of the schools was considered, this was not interpreted to block parental wishes. School was regarded as an opportunity to which children were entitled, not as a requirement to be imposed, complete with specified content, upon dissenting parents. It was assumed that parents were as competent as school personnel to determine what their children were to learn and how they ought to be taught. Families remained in legally recognized control of the content of individual education.

As compulsory school attendance spread from state to state through legislative enactment, the entire relationship of families to schools was changed. The effect of the compulsion to attend was to reverse the presumption of parental control in education and to shift the locus of responsibility from the family to an institutionalized school operated by the government and responsive to group rather than individual demands. As historian David Tyack summed it up in his book The One Best System, "Reformers used the powers of the state to intervene in families and create alternative institutions of socialization." Once the audience became captive and the control became majoritarian it became necessary for a variety of social groups to contest with each other over whose values, pedagogy and world-view would be adopted by the local public school. Parents began to be viewed as presumptively incompetent in the area of education as schooling became less an issue of individual development and family aspiration and more an issue of social needs and group values.

Dissent became less and less legitimate in the theatre of school policy, while dissension became more and more inevitable. Immigrant and ethnic groups, religious organizations, social reformers, jingoists, class interests all sought to have their own values legitimized and sustained by school policy. The majoritarian assumption about making educational policy was transforming the public schools into a battleground for determining public orthodoxy in a heterogenous culture. This is the common insight of such diverse revisionist historians as Spring, Tyack, Katz, Nasaw, Bowles and Gintis, and others who have attempted to make sense out of the fabric of American school history. Even the history of school history texts as related by Frances Fitzgerald in America Revised chronicles an effort to determine the dominant ethic in school socialization.

These historians and others who have sought to describe past school conflict differ largely in their perceptions of which interests were served by the outcome of these struggles. For example, Diane Ravitch described a series of conflicts in The Great School Wars as resulting in a shifting compromise

which meant that no one group could find its values reflected in school or alternatively resulting in one group's interest holding sway for only a short time. The result, according to Ravitch (who has sharply criticized other historians in Revisionists Revised) was the development of an endless series of value conflicts leading to a respect for diversity. David Nasaw, on the other hand, describes an historical tension between democracy and class division in Schooled to Order. According to Nasaw, history indicates that schools have become "social institutions dedicated not to meeting the self-perceived needs of their students but to preserving social peace and prosperity within the context of private property and the governmental structures that safeguard it."

Tyack is still more pointed in his description of the interests which have dominated socialization in American schooling. For him schooling has been a parallel to the general development of culture in America, in which industrialization and urbanization are accompanied by the betrayal of pluralism in favor of a "burgeois morality" characterized by a "cult of efficiency" in the schools. It is the needs of bureaucratically organized and dominated culture that are served by this cult. The supremacy of the existing social and political hierarchy was found by Michael Katz in The Irony of Early School Reform. The need of ruling elites to preserve their power was alleged to have been well-served by an ideology which claimed that schooling was the key to personal advancement for the working class, thereby coopting the lower classes into supporting a "sorting machine" which in effect recreated the class system. Bowles and Gintis, in Schooling in Capitalist America describe the history of schooling as one of increased domination by capitalism. The attitudes alleged to be inculcated by schools to serve this interest have been those which were needed for the industrial workplace: punctuality, external motivation, predictability.

Although each commentator has seen in schooling a triumph of different interests, all agree that schooling has essentially been a tool for the socialization of children; and all agree that many of the struggles over schooling have been attempts to gain control of this socialization process or the values it transmits. The examination of contemporary conflicts over home education and textbook selection in parts I and II also focuses on issues of socialization. But this report is less concerned with identifying the groups which are contesting the control of school socialization or with judging the merits of their value positions than in reaching some conclusions about the effect of this conflict on schools and society. It is the intent of this report, through description, analysis, and recommendations, to promote a public examination of the significance of family-school conflicts while those conflicts are taking place.

There are three basic issues which underlie the body of this report and which form the basis of the conclusions and recommendations at its conclusion:

I. Kinds of conflict. The conflicts between families and schools described concern the values or beliefs of those involved rather than mere personal preferences or taste. Still, it must be acknowledged that there are many kinds of conflicts over value and belief. Probably the most important distinction among these conflicts is the difference between those value conflicts which can be resolved or compromised and those which touch matters of conscience and therefore are incapable of resolution without threatening the very identity of some of the participants. Resolvable value conflicts depend upon the voluntary drawing together of the parties on the basis of a compromise which holds the possibility of adding to the cohesive forces in the community. Neither repression nor a sense of loss are characteristics of the outcome of these conflict resolutions.

Issues of conscience, on the other hand, involve such deep-seated beliefs and values and are so central to the personal identity and world-view of their holders that compromise is neither attainable nor desirable. The level of coercion required to resolve these value conflicts would be inconsistent with personal liberty and political democracy. Such coercion would ultimately yield community fragmentation rather than cohesion. It is not necessary to precisely identify a value conflict as being a matter of conscience or as being a resolvable conflict. It is necessary to recognize that some value conflicts can be compromised and some cannot. Perhaps the difference is subjective, defined by the importance of the issue to the participants. Or perhaps the difference may be perceived more pragmatically according to the level of emotion or lack of rationality which the conflict invokes. However the difference is defined, we do not need to abandon a commitment to the essential social function of conflict resolution in order to acknowledge that some conflicts cannot be dealt with in any other way than to relegate them to the realm of personal privacy and autonomy.

II. Causes of family-school conflict. A central issue in this report is the extent to which value conflict is made inevitable by the majoritarian structure of the nation's school systems. Does the fact that the political majority controls value socialization in schools eliminate or reduce the ability of individual families or subgroups to hold and communicate their own beliefs? Are values which are generally held to be private matters of conscience (such as religious preference) subjected to public scrutiny, debate, and decision by the structures of public schooling? Does such debate and decision increase the amount of conflict with which the schools are saddled? All of these questions raise the general issue of whether the apparently increasing and clearly burdensome level of conflict surrounding schooling could be reduced by changes

in the structure of public education. It is possible that public schools are carrying too much baggage in their effort to foster community consensus and that the result of insisting upon the majority control of schooling at this time in history is to seriously weaken the ability of the schools to do anything at all.

III. The effect of family-school conflict. The disagreement generated by majority decisions on matters of conscience in schooling may increase the level of unresolvable conflict to the point at which it threatens to bring the governance mechanism of schools to a standstill. More importantly, the attempt by a governmental entity to control the socialization of school children and the transmission of culture to a new generation raises serious questions about the health of the political system. The legitimacy of the political consensus, however weak, may be eliminated by government interference in the process of belief and value formation. A system of freedom of expression such as that provided for in the First Amendment may be rendered useless just as much by government sponsored manipulation of beliefs and opinions in the schools as by government restrictions on the content of speech and press.

If majoritarian schooling turns out to be an instrument of cultural and political orthodoxy, then it is the right of dissent which is at risk in the decision as to how we shall structure our system of public education. Up until roughly 100 years ago schooling was considered a private matter subject to family control. The ideology which has accompanied compulsory attendance at majority controlled schools has become so entrenched since then that the present structure of schooling has become something of a sacred cow. One cannot ask questions about school structure without being suspected of being an agent of social decay or interest-group partisanship. This report nevertheless attempts to raise a serious public policy question where an outworn assumption now stands. By examining in detail several family-school value conflicts this report seeks to provoke debate about whether the institution entrusted with preserving democracy may in fact be undermining individual liberty. The researcher's bias clearly is that it would be the height of self-destructive folly for professional educators not to recognize that the existing structure of schooling can be changed to enhance equality of liberty without eliminating the vitality of universal, compulsory public education.

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PUBLIC ORTHODOXY
PRIVATE DISSENT:
The Culture of American Schooling

by Stephen Arons

Part One
Home Education

Chapter 1. The Consequences of Individual Dissent

A handful of families who choose to avoid institutionalized schooling in favor of home-based learning have set off a storm of professional hostility in a sea of public doubt about the adequacy of education. Among the wreckage caused by this storm may be found the lives of a few ordinary American families and a warning that the ideology of schooling has become brittle and contradictory.

Home schooling is as much a rarity today as it was a commonplace in Colonial America. Where home schooling was once accepted and considered natural, it has become the object of suspicion and defensiveness. Where it once expressed the central social importance of family, it is now viewed as an expression of idiosyncracy and anti-social sentiment. What once demonstrated the personal and life-related nature of learning is now seen as a threat to the smooth operation of the nation's most pervasive bureaucracy. The symbolic significance of home-education has increased as its practice and real importance to the school systems in which it arises have decreased.

The fact that there are so very few Twentieth century American families who educate their children at home might be understood as an indication that "unschooling," as some call it, is a non-issue in a society of mass institutions. But these families have touched a raw nerve in American

society and the reaction to them points to substantial ideological contradictions in local schooling and national culture.

The formal, institutional school has become America's most common cultural experience and its biggest business. In this setting, it is hardly surprising that we have all but abandoned the urge to participate in the education of children in favor of the ease of institutional schooling. To do otherwise would be impractical and inconsistent with our lifestyle. The tasks of getting a job and putting food on the table, and of keeping up payments on the American dream, require so much time and energy that only the day's dregs are left for the cultivation of family and the education of children.

If the child in school six hours each day for twelve years is there merely as a logical result of changes in the social and economic structure over the last two hundred years, why do a few thousand families seeking to educate their children at home evoke such virulent official reactions and such widespread public attention? Why is it that a million children who are pushouts or dropouts amount to business as usual in the public schools, while one family educating a child at home becomes a major threat to universal public education and the survival of democracy?

Even a brief listing of the consequences endured by those who seek official approval for home education is startling. In Iowa two parents who educate their 9 year old son at home are convicted of criminal violations, appeal, are acquitted, and are threatened with renewed prosecution in the second year. In Michigan a family is forced to send three of their children to a boarding school 150 miles from home to avoid the threat of having their children made wards of the court and sent to foster homes. In Massachusetts a family is accused of parental neglect for educating

two teenagers at home and the children are removed to the custody of the welfare department. After a long struggle the family is split up and scattered over three states. Another family is told by a judge to comply with school requirements or move out of the state. In Rhode Island a couple is arrested for educating their 8 and 9 year old daughters at home. In Missouri a woman spends time behind bars because she does not believe her 7 year old is ready for school. And in Utah a man is shot to death by police officers in the presence of two of his children after he refused to send them to an approved school. In no case did anyone seriously question the health or happiness of the children or suggest that they were being abused or neglected in any way other than in their parents' failure to send them to schools most people attend. What accounts for the failure to compromise these conflicts before such heavy-handed tactics are brought to bear? Why do public officials apparently feel driven to behave as if they were fighting a dread disease instead of disagreeing with a solitary dissenter?

To some extent, of course, the media makes the message. The single eccentric family articulating its differences with school ideology by a publicly proclaimed act of civil disobedience makes much more interesting reading or viewing than a mass of silent dissenters whose only articulation of their alienation from institutional education is to hang out on street corners. In the past two years every major news magazine and network television magazine and talk show have done a human interest story on home education. The national meetings of state education superintendents and other professional educators have found themselves discussing the "issue" of home schooling as if it amounted to a national movement to abolish schooling. Newsletters circulate among practicing and would-be "unschoolers," legal defense networks are organized, regional meetings are held among

parents. The attitude spreads that a solitary family commitment to home schooling articulates some of the deepest resentments and most bottled up hopes felt by Americans. The attractiveness of the continuing conflict over home education as a media event, the excessive reactions it evokes from school authorities, and the symbolic importance it has for the participants are all based on the cultural dislocations the conflict reveals.

School conflict is a microcosm of social stress because schooling is accessible politics. Conflict over schooling is visible, local, and more nearly legible than any other aspect of public policy debate. Not only does every community have a school and a ponderous school budget; but every adult feels entitled to demand of the schools that they serve the public according to the private visions of its diverse supporters. The issues of school policy seem mundane -- what texts should be required, how much discipline or competitiveness is appropriate, how should science be taught, what kind of reading instruction is right for home education -- but often individuals project onto the screen of public school policy their deepest feelings about how society ought to be structured and how children ought to be socialized to that society. For most, schooling is the only game in town, and so it is in the debate over school policy that basic cultural and personal values enter the public arena. On this ground of accessible and pervasive politics, the conflict over home schooling can become a symbolic struggle over the creation of public orthodoxy and the preservation of individual idiosyncracy. It is a struggle in which we may read cultural meanings from apparently personal texts.

In spite of the diversity of families seeking to educate their children at home, and in spite of the localism of schools opposing those families, there is a typical pattern of events and a commonality of themes

in the conflict over unschooling. In fact, in the past two years of talking with families, school superintendents, lawyers, state school officials, and others about home education, I have seen the myriad cases blend into one and the dozens of personal aspirations and institutional responses form a single predictable course of events. Not all the conflicts run the full course, but wherever they drop off, all are following the same general path.

Many observers agree with John Holt's guess that 10,000 American families educate their children at home, but there are indications that under the surface to which we have access, a much larger number of families educate their children at home without requesting official approval. And it must be recognized that a few families gain the support and approval of local school officials without a struggle, thereby depriving us of case studies in conflict and proving that private aspirations are not necessarily a threat to public welfare. This chapter concerns those dissenting families who do find themselves in conflict with school authorities over home education. Since this conflict is symptomatic of larger issues, our aim is to show what we can learn from these conflicts about the function of schooling and the meaning of dissent in an institutional society.

The unfolding of home schooling conflict must begin with the family decision against schooling, proceed through the search for approval of school authorities, examine the reaction of the community, and conclude with the formal proceedings in courts of law. As the pattern unfolds, individuals become actors in a play based on a script they did not write. The struggle becomes one of high magnitude social and schooling problems which overshadow the needs and preferences of the participants. Even before the court hearing there is evidence that important social issues hover just beneath the surface of personal decisions and professional

postures. The story of home schooling conflicts is the story of the emergence of basic social issues and their eventual domination of the meaning and action of individual disputes.

Of the many problems which emerge during the two or three years of a typical confrontation over home instruction, none seems more basic and intractable than the cultural contradiction between individualism and institutional life. It is a contradiction which has not been caused by the hundred year evolution of institutional schooling in America; but whose poignancy is greatly exaggerated by schooling. It is in schooling young minds that the culture requires the simultaneous absorption of both the ideology of individual dignity and the practice of institutional conformity. At this level, few of the participants ever become aware of the significance of their struggle.

Chapter 2: Adapting to a Changing World: Deciding Against Schooling

The family which chooses to school its children at home is a mutant. Throughout the next 50 pages, these families will be treated as a composite unit called the dissenting family. The dissenting family has abandoned a habit of life -- sending children to school -- which has seemed adaptive for generations. The mutant parents attended school themselves in the 1950's and have survived. So did their parents. It is difficult to say exactly how this mutation has taken place, but a very small percentage of American families have come to view their survival as linking more to home education than to institutional schooling.

Family decisions against institutional schooling range from impulsive to ideologically sophisticated. To some parents the decision not to send a child to school, or to stop sending one to school, is not thought out at all. It is simply pursuing life as usual. According to one mother, "Everyone else just stopped teaching their children when they were six and we just kept on going." There is no sense that any special efforts or sudden change in life are called for merely because it happens to be the first September after a child's sixth birthday. In the future, they acknowledge, they may feel a sense of inadequacy in some areas of child-rearing. For now, the legal line of demarcation embodied in a compulsory school attendance statute seems arbitrary -- designed for a hypothetical child in a hypothetical family.

To another mother, the problem was no more complex, the response no more planned out. "In the second week of first grade, I was walking Heidi out to wait with her for the school bus and she asked me why she had to go to school. I couldn't think of a single reason that I really agreed with. We just turned right around and came back home and that was it." Helping

a child to learn letters, the sounds they make, the words they make, didn't seem like intimidating tasks to this mother. What the school could do, the family and the community could do as well. To suddenly give up part of your role as a parent in favor of an "expert" would require some good reasons. Heidi had asked what those reasons might be but the ideology that would have provided the right answers, the quick answers, just wasn't in this parent's head. She had been unhappy herself in the California public schools and wasn't particularly well educated in spite of her intelligence and her regular attendance.

Neither of these parents thought about whether the upcoming conflict would be worth the trouble compared to the benefits of schooling already paid for from taxes. In fact, no conflict was anticipated at all. The habit was for the child to be living at home with the parents. Breaking this habit and taking up the more popular addiction of attendance just didn't seem right. There was an unarticulated feeling that the child belonged at home and in the community but not in an institution. For some, especially single mothers, home schooling has seemed an adequate compromise between a traditional role of motherhood and the desire to do non-domestic work.

Some families are more conscious of the importance of their decision. They have a preconceived idea of education which helps them resist the force exerted by the doctrine of attendance and makes the entire decision more self-conscious. An Iowa professor and his wife reflect on their own experiences and on some reading of libertarian literature.

> "Classrooms are confined spaces in which students read <u>about</u> the rest of the world..., but are carefully kept from it, where they do not have to be taken seriously. We feel we can and do eliminate this artificial barrier between education and life... by educating our child at home."

Full blown, this ideology holds not only that school separates learning from life, but that inside the institution of school, fragmentation and alienation are reproduced in curriculum, programmed bits of knowledge, graded progress, and measurable results.

The idea that classrooms and formal curriculum warp and diminish learning often arises as a ready explanation for the change in a child's demeanor observed by the parent after a year or two of schooling. Parents who remove their children from school frequently observe that the child's natural curiosity and eagerness were becoming dulled by age eight or nine. "I remember my children being very intuitive, curious, ... they seemed to have a natural, inner motivation that led them from experience to experience, ... their delicate minds were left alone, unpressured ... We have noticed a gradual loss of interest and we've become concerned that our children are being drained of their ability to learn since they began school. What has happened to the zest they once possessed?" These parents, a thirteen year veteran of a local police force and a certified school teacher, found their children unwilling to share their school experience with them, as if they were self-conscious about their struggles in school or bent on preserving the privacy of a new life apart from the family.

The complaints of parents that their children are losing their spontaneity at the hands of a compulsory system are among the most troubling to anyone who has witnessed the slow wearing down of the spirit of childhood in any restrictive institution or family. But these complaints must also be taken with a grain of salt lest in the quest for humane relations with children we imagine that schools or any other environment can be totally liberating. Because it is in the nature of a child's participation in any education, and in growth in general, to come to terms with the arbitrary

restrictions of society, the dissenting family seeks the preservation of the spirit of childhood, not the transformation of society into a nursery.

Children who were communicative about their school experiences often brought home stories, confirmed stories, which demonstrated how mastering the bureaucratic path of programmed steps, levels, and units had become a substitute for natural curiosity and real necessity in their concept of learning. In one family, anger and sadness resulted from the fact that the father did not know that the pride his daughter felt was in moving from step 6 level 7 to step 6 level 8 rather than in being able to multiply single digit numbers to discover how many apple slices were needed to give each student two. The kind of communication and behavior required at school was making communication and learning harder at home.

At times the experience of schooling as curiosity-dimming, and lifeless pseudo-learning has evoked more than hostility toward the fragmentation and bureaucratization of knowledge. It can resemble a reaction against all worldly sources of learning. In the voices of some dissenting families there is an anti-human epistemology: "How can our children ever find this 'teacher' (Holy Spirit) within if they are instilled with the idea that schools, classrooms, textbooks, and human beings are the sources of knowledge?" Is this denial of human responsibility a fragment of religious fundamentalism, the dry seed of an old-time religion, or is it related to the "holy curiosity of learning" of which Einstein spoke in his opposition to compulsory learning? Or is it the incipient expression of Ivan Illich's more articulate call for Deschooling Society and curbing of self-serving institutions. For many religious families, the "teacher within" is only a fragment of a larger ideology not yet fully formed, but conscious enough to provide some rationalization for the resistance to schooling.

The fragments of anti-school thinking with which some families arm themselves are on occasion coupled not to religion but to raw anti-state or anti-authoritarian beliefs. Sometimes these beliefs are barely conscious at the time a child is taken from school; but are seen on re-examination to be more than mere coincidences in the life of the family. Peter is articulate in his opposition to schooling for his sons and in his ability to identify the values advanced by the practices and pedagogy of the local public school. In general, Peter does not believe that the state -- the political majority -- has a legitimate interest in how his sons are educated or what they come to believe. Peter remembers stories from his own parents about the power of the state and the consequences for those who dissent from the dominant ethic of society.

When Peter's Greek grandfather was a middle-age man, he lived in what is now Turkey. He was shot and killed by agents of the state for refusing conscription into an armed force that was to fight against the Greeks. Peter's father was fourteen at the time and managed to escape, eventually, to America, where Peter was born in 1937. The story did not have great conscious impact on Peter until the 1960's when the issue of conscription, war, and the power of the state became loudly public and personally painful. Peter's skepticism about government power grew. Later, when he became involved in a pitched battle with school authorities over the home education of one of his five sons, he never could be convinced that the state's interest in the family's education plans amounted to anything less than the psychological conscription of young minds. Peter was not killed for his resistance to this conscription; but it did cost over $4000 and two years of family anguish and constant struggle before a court told the local school board that the family had a constitutional right to home education for their sons.

A substantial number of dissenting families have developed comprehensive opinions about the limits of government and about the legitimate interests of the state in controlling knowledge, attitudes, and beliefs in the young. In fact, home school families are forced to articulate their views and clarify their values by the conflicts in which they become involved. As a result of these conflicts, most of these parents eventually look back on their own experiences in the public schools, back on themselves as young adults in the Sixties and Seventies, and even back on their more distant family histories for a source of their resistance to schooling. In taking about the general exercise of state power over what they view as personal and private family decisions, there is an acknowledgement that the public has an interest in being sure that every child is educated. But the public, they believe, has no business deciding how the child shall be educated.

The opposition of families to public prescription of what shall be learned or how it shall be learned is most articulate for those families whose anti-school decisions are based not upon reflex or upon a generalized anti-state ideology, but upon specific values and beliefs about the world. For these families the struggle is against a dysfunctional ideology which they believe is held, expressed, and foisted upon children by their school system. Here the family mutation away from attendance is nearly full blown and fully conscious. There is great variation in the values held by these families and in their predictions about what the world will be like when their children grow up. They do not agree with each other about what skills and attitudes will best insure the survival of parent and child. Their politics range the spectrum from far right to left and from religious fundamentalism to secular agnosticism; but they each are convinced that

the attitudes and beliefs which underlie public schools are wrong for their family and will make their children's survival more, rather than less, difficult.

These families can point to experiences of unwanted values in school which include a wide range of required behaviors, prohibited expressions, confessions of belief, restrictions of knowledge in curriculum, didactic statements, and role models. The inter-relationship between beliefs and behaviors is complex for children just learning to understand their world; and parents make no distinctions about whether it is the belief or the behavior which seems more harmful. If a teacher constantly behaves as if boys were supposed to be restricted to mechanical skills and agressive roles while girls are supposed to concern themselves politely with domestic and artistic endeavors, that seems no less threatening than if the teacher made everyone recite "what are little girls made of." The recitation of the pledge of allegiance is no less offensive to the parent opposed to idolatry and nationalism than shaming during a recitation of math problems is to the parent who feels competitive attitudes are harmful and dysfunctional. As a practice offensive to families, it is hard to distinguish authoritarianism in the operation of the classroom from the preaching of authoritarianism in a social studies lesson.

There are beliefs, attitudes, and understandings of the world which are built into the structure and curriculum of any school. Anyone who has studied a child's textbook or observed the daily routine of schooling knows this. The making of curricular choices, the need for order in classrooms, and the bureaucratic needs of school systems all require that children be encouraged, cajoled, and coerced into compliance with school and classroom structure. The conformity with school structure which

children must express in order to succeed in school is a confession of belief in the values which underlie the structure. Even dissenting parents who do not view school indoctrination as effective are deeply offended when their children act as if school values really define right and wrong.

There is a temptation on the part of people who feel the times are sadly out of joint to see any of the families which object to schooling as either heroic champions of a new humanism or fanatically misguided adherents of old and worn dogmas. In reality these dissenting families seem much more modest. They are simply trying to survive by adopting values which make sense to them and which fit with their understanding of society, with their vision -- however blurred -- of what the future holds. Like mutants of other species, history may judge these organisms to have made the wrong change, to have arrived in a cultural cul de sac. If so, it will be because they have become misfits, failures, creatures without a socio-ecological niche. But it is also possible that they will survive as families and as people, that it is the rest of us who are heading down the wrong track in the social road. In either case, these families doubt that majority approval substantially makes the attitudes and beliefs of a school system useful or adaptive for the future. For each family of home schoolers, the struggle against a particular dysfunctional ideology is also the struggle against the idea that one family or group should prescribe for another what all are in such doubt about.

As the struggles proceed, each family expresses its own values more and more in the language of opposition to the values of the school system. Statements about the positive beliefs of the family become mixed with negative statements about the schools. The conflict over whose values

shall be empowered and therefore prevail, and the extreme difficulty of becoming conscious of the values that really operate in one's life, probably make this negativism inevitable.

Of course, the primary value which the anti-school families share is the belief that their children will be better educated within the fabric of the family and away from the institutional requirements of any school. For some it might have been possible to find a non-governmental school which did reflect family values. But this was not acceptable, either because the non-government school was too expensive for a family already supporting one school system with its tax dollars, or because of the family's opposition to institutionalized schooling of any kind. Most of the home schooling families resist the private school alternative as long as possible not only because of its expense and its nature as another institutionalized school, but because the individual values the family seeks to maintain, nurture, or create are not to be found in any available school, public or private. There is no subculture or institution with which they can identify.

It is impossible to do justice to all the different attitudes and world views held by the families who resist schooling. The variety of these views is testament to the individualism of the families; and the story of their conflict with school authorities concerns the consequences of individual dissent rather than the merits or popularity of their views. But it is possible to assemble a rough catalogue of some of their criticisms of the school systems from which they dissent -- of the ideology they find dysfunctional for themselves. To many of the families of children schooled at home, the values which public school students must confess belief as they attend public school include the following:

1) That authority in society should be organized hierarchically and that it is appropriate for those of less authority to cultivate attributes of obedience and passivity.

2) That truth is prescribed and established by authority and that learning consists largely in understanding and accepting the official versions of reality.

3) That material acquisition rather than spiritual condition is the most significant measure of personal success and social progress; and that measurement rather than intuition define knowledge.

4) That competition is more important than cooperation.

5) That the ability to follow directions is more important than creativity and that dissent is either the result of poor communication, willful misanthropy, or emotional instability.

No single family articulates the values underlying public schooling in just this language; and all the families which are offended by beliefs they see enshrined in public schools do not agree on which values constitute public orthodoxy. The list of offensive school beliefs grows, however, with each conversation one has with "unschoolers:"

6) That poverty, malnutrition, disease, oppression and violence are not anyone's responsibility and that people in general should accept what is required by their "roles" without ethical discomfort.

7) That compulsion and coercion are acceptable means of gaining proper behavior, including learning.

8) That there are specific character attributes associated with race, gender, class, and age which cannot be changed and upon which may be based the distribution of power, wealth and dignity.

9) That institutional schooling contributes to the progress of individual and society, upgrades general morality, reduces prejudice, and

protects each rising generation from the mistakes of its predecessor generation.

10) That manual labor can never attain the dignity or power of intellectual labor; and that art, music, mysticism are non-essential.

As the list of criticisms of public sch-ol values grow, one becomes aware that the perceived orthodoxy which these families oppose is characteristic not simply of schools but of the culture in general. The fact that the development of their children's consciences is at stake, and that compulsory schooling is a major part of child-rearing provides an opportunity for social criticism. It is the transmission of culture which is at stake for these dissenters. Many object that the public schools which they had heretofore seen as their only alternative to truancy require confessions of belief:

11) That cultural diversity cannot be understood except as superficial or as gradable in a hierarchy from evil to good.

12) That the only comprehensible notion of history is linear and the only humane system of economics based upon markets and private wealth.

13) That the meaning of history serves the needs of the present; that there is always a place for nationalism, militarism, and xenophobia in defense of personal and cultural identity.

14) That wealth is a sign of success and morality and that poverty can generally be remedied by the efforts of the poor to better themselves. That conservation should be invoked in hard times, but that waste is an essential indication of prosperity and freedom.

The list of values which home-school parents object to in public and private schooling is virtually endless and frequently contradictory because the values by which these parents judge the schools are so varying and

multidudinous. Although their conflicts over home schooling have pushed these parents toward clarity, none has developed a complete statement of their own beliefs and world views or of the ways in which these beliefs are balked by the schools to which they have access or upon which their children may be required to attend. Only families committed to a religious orthodoxy have the ability to articulate a systematic criticism of schooling and such criticisms sometimes seem a thin veneer for internal confusion and anxiety.

Most historians of education and observers of present day schooling have tried to discern the central values expressed by schools and to show with which interest group or political decision these values are associated. It may indeed be possible to describe the dominant values of a school or of schooling general at any particular point in time and space. But the families who have chosen to keep their children at home and educate them there do not feel the need for such scholarly explication of the basic facts which they sense from their own experience. Whatever their particular beliefs or world-views these parents and the scholars whose work they sometimes find helpful agree, as Jonathan Kozol has put it, that: "The containment of youth, which lies at the heart of school indoctrination depends upon the demolition of a child's ideological and ethical perceptions..." Rejecting the notion that any education can be value neutral, these parents want to substitute their own ideology of survival for that which is found in the schools.

We have no detailed or comprehensive description of any family's beliefs or the reasons it finds competing ideologies of the school dysfunctional. Implicitly these families recognize that it is not in their interest to produce such a statement and offer it up for comparison with

the schools. Their interest is not in discovering what the majority believes is the road to survival or the best education for success, but in asserting each family's right to make these judgments for itself.

So as we pass from reflex, habit, and the general absence of reasons for attending school, to general anti-school and anti-state ideology, and finally to the particulars of beliefs and concepts a family finds essential to survival, we are left with a hodge-podge of partially contradictory claims read between the lines of common questions. Will my children accept inferior social and political roles for women? Will they perceive themselves as dependent upon the group, or will they act on the assumption that their own welfare can be achieved at the expense of others? Will they learn to look down on manual work? Will they become alienated from learning itself as the price of attaining technical certification? What will they internalize about the proper relationship of individuals to power and authority; about mysticism, emotion, and art as part of social life; about God, communal living, achievement, violence, personal inadequacy, and pleasure; about people's relationship to the natural environment and the manipulation of other human beings? Whatever their values, these parents recognize that the school is an environment from which a child may learn much more than what is in the formal curriculum. They know that the effect of the school's molding of children's consciousness is to alter their concept of reality and therefore their perception of and reaction to all things. The mutations have taken place in the lives of these families; they are not waiting to develop a complete ideology before education their children at home.

Chapter 3: The Ecology of Bureaucracy: Meeting with School Authorities

In the fall of 1979, there appeared on the front page of the New York Times an article warning that several hundred species of birds, fish, animals and plants were in danger of extinction. The reason given was not a shift in ecological conditions, but the failure of the U.S. Department of Interior to add these species to its endangered species list within a time limit specified by law. On first reading, one might feel anger at inept bureaucrats and a sense of loss that part of the natural world was about to disappear. But then Darwin's concept of natural selection came to mind: only those adapted to the environment would survive. What these species had failed to adapt to, however, was not so much the natural environment as man-made changes in environment. More important still, they had not adapted to the ecology of bureaucracy. They could not survive in nature without a bureaucratic category and a timely listing with an unnatural institution.

The families which choose to educate their children at home face this same struggle to fit within a bureaucratically imposed structure in order to survive. In thirty one of fifty states, this man-made environment consists of compulsory education laws and judicial decisions which permit some form of home education. The specific conditions which a family must meet in order to avoid running afoul of the truancy laws vary a great deal among these states. But nearly all require at least that a local school Superintendent be satisfied that the family's home education plan is "equivalent" to the education offered by the public school. The elements of this equivalency are extremely vague; and virtually no state has published a clear and understandable set of standards by which a family could judge whether it qualified for approval. What little case law exists in this area makes it clear that the state may not require that home

education be identical to the public school program, but that the parents may not educate their children at home without some form of accountability to the state. In this extraordinarily vague, discretionary, and often arbitrary setting the family must seek the approval of school authorities for home education. The family's failure to fit into this bureaucratic niche will result in the extinction of its home schooling plan.

The survival of home education in an environment designed for government schools is unlikely, no matter how much that home education might receive lip service or be the key to survival in the society at large. In fact, survival in a predatory school bureaucracy may be antithetical to survaval in society. It is understandable, therefore, that for most school superintendents, it is disorienting to be approached by a family which does not want to send its child to the public school, and believes it can provide a better than adequate education at home. The vagueness of the statutes and the absence of past experience with home schooling requests accounts for some of the confusion felt by school authorities. But the more important explanation is that the parent who seeks bureaucratic permission for non-government schooling is asking an education expert to empower a non-expert. The lord of the institutional barony is being challenged on his own turf. A person whose work requires the manipulation of categories and the ignoring of individual characteristics is being asked to understand and acknowledge the needs and aspirations of one family. For the superintendent, it is a confusing and up-ending situation because it suggests that one of the school's major arguments for public acceptance -- socializing children for survival in the society -- is no longer convincing to parents.

It might be expected that in this situation of first impression the superintendent's initial task would be to learn as much as possible

about the family's desires for the education of the child. In fact, this almost never happens. The Superintendent may make inquiries of school counsel or state education officials about his legal powers, but will seek only a minimum understanding of the family, as a gesture to maintain the civility of the first meeting betwwen parents and school. The family is not taken seriously. Almost immediately it becomes objectified -- presenting a case that will not easily fit within existing categories, a wrinkle in the smooth operation of the bureaucracy, a nuisance.

Before seeking school approval, most families have been advised or have figured out that they cannot succeed by definace and that they must appear reasonable and flexible at all times. Yet almost all parents sitting in a school superintendent's office feel insecure and more submissive than they like to. There is a family defensiveness, too, which is probably inevitable for people who recognize that they are submitting their family for judgment by a public authority. The feelings that home schooling parents bring to their first encounter with school bureaucracy are probably similar to the feelings of other parents seeking to articulate the needs of their children in public schools. In a study of the relationship between families and schools, Worlds Apart, Sara Lawrence Lightfoot observed and explored the thinking of parents who do not feel entitled to make demands of schools:

> The enduring historical experience of exclusion and oppression has made it difficult for the oppressed (be they women, minorities, or the poor) to identify their own needs, desires, and goals. In order to survive, they have been forced into a preoccupation with sustaining the well being and scrutinizing the subtle behaviors and demands of the more powerful. The risks of identifying and asserting their own needs are great, and they fear that the enduring pain of long years of silence might explode into uncontrollable rage if they let it be exposed and released. (204)

The parents understand no better how the school bureaucracy works or how its personnel think than the superintendent understands the family's values, aspirations, or views of education. From the beginning the situation is ripe for misunderstanding and conflict. On the issue of balance of power between family and school, disagreement is generated quickly. On the issue of the differing values, beliefs and world-views reflected in education there will be a few questions and little understanding. It is as if this level -- the most basic level of the problem -- is so personal and so laced with issues of conscience and assumptions about the meaning of life, that it cannot be affected by rational evidence or resolved by any basically political process.

Objectively, and in terms of their own self-interest, superintendents have every reason to be supportive of home educating parents and to grant the required approval without fanfare or controversy. One family out of the thousands or even millions in a school system does not pose a threat to existing public school practices. Few families are likely to suddenly develop the desire to educate their children at home as a result of a favorable ruling for those who have already asked. Economically the loss which the local school system suffers is small, especially compared to the economic sacrifice a family must make to provide home education. Finally, those families which have the financial and emotional resources to press legal cases against a disapproving school administrator generally win the right to home education. The cost to the Superintendent of losing this battle -- in terms of legal fees, time and energy diverted from other matters, and adverse publicity -- seems hardly worth a victory, much less a precedent setting loss.

Yet school superintendents and other school authorities charged with the task of evaluating home education requests almost always find themselves

involved in pitched conflict with a single family seeking to educate their children at home. The reasons behind the school authorities' combative actions and impractical reactions form a surprisingly prevalent pattern perceived through numerous interviews and observations of home education cases. It is a pattern of thought and behavior which is revealing of the cultural problems being repeatedly played out beneath the surface of home education struggles.

When a family seeks approval of a home education plan from a public authority, it is implicitly challenging the professionalization of education. Although most home education families approach their local school superintendent with an awareness that the superintendent is a political person, they know too that there are educational and certification requirements for the job, just as there are for the position of teacher. These "professional" attributes form the first barrier to good faith discussions between family and school. In order for education to be regarded as a profession, it has developed an image of expertise expressed in a specialized jargon, measured by "scientific" evaluation, taught in graduate schools by persons with advanced degrees and federal grants, and made officially true and legally binding by a system of state certification. Whether this expertise is at all real or useful is a question seldom asked by professional educators except when confronted with home schooling parents.

Of course, the thinness and fragility of expertise in most professions is out of proportion to the demands for certainty and for "solutions" which the lay public makes of these professions. One parent who had been through nearly three years of struggle with school professionals, first over curriculum and organization in the public school and then over a home education plan for his son, put it this way: "No person but one within a

profession knows the shallowness of that profession." In education, the fragility of expertise is greater than in most professions, and so is the profession's awareness of this fragility. As a result, educators respond to general social pressure for expertise by turning every human interaction into a matter of technique and every area of work into an arcane and inaccessible specialization. The professionalizing process rests upon the willingness -- even the eagerness -- of members of the general public to forfeit their self-confidence and their democratic control of some area of life. In education the veneer of professionalism is so thin that many educators seem to regard their occupational survival as dependent upon their insistence that they and only then can adequately define, create, and judge quality education. Like lawyers, whose indispensability to the society depends upon the continuous mystification of conflict, educators produce a system of language, power, arcane knowledge and public insecurity about learning in order to be considered a profession.

At meetings with school officials, many families soon discover that in spite of the occupational bravado, the doubts which educators have about the genuineness of their profession are stirred up by those who propose home education. Ambivalence is not a useful characteristic for those who wield public power; yet the home education family often evokes an educator's ambivalent feelings about his or her putative profession, and this ambivalence is then suppressed by the educator's even more single-minded commitment to questioning the family's right and ability to educate a child at home. These educators are not personally predisposed to denigrate other persons or families or to expand their own egos by playing on the fears of those who seek approval for home schooling. But like some other professionals, they seem driven by a persistent pressure to appear more confident than they are about the validity of professionalism. They are caught in a

web of expectations -- some of which are reinforced by parents who do trust their children to the schools thirty hours a week -- that it is necessary for school officials to appear to have the answers in order to relieve parents of the task of thinking about their children's education. The justification of public expenditure for school bureaucracy becomes synonymous with displacing parents from their natural role as teachers. The inflation of professionalism becomes a natural means of assuring the majority of parents that their enormous emotional investment in schooling is yielding a tangible return.

Home education families are in fear of judgment about their abilities as parents just as educators are in fear of acknowledging their profession's fragile hold on reality. These countervailing fears of judgment exaggerate the antagonism between the family and the superintendent and make genuine communication less and less likely. At the same time that the problem of evaluating a proposed home curriculum is seen as a muted threat of exposure for the paper thin profession of education, the family's request is read as a revolt against the professionalization of life in general and of child rearing and the transmission of culture in particular. In response to these perceived challenges the school authorities regard the families as socially disoriented aberrations. One mother summed up her year long struggle over home education as an issue of "control of your own life." The school, she said, "is a machine that runs on acquiescence."

Just as the request for approval of home schooling expands into an issue of the educator's profession and professionalism in general, the attempt to fashion a study plan suited to one child expands into an attach on the suitability of the public school for all children. In spite of advice to the contrary received by most families, the parents often

find themselves drawn into a debate over the general quality of the public school. This results from the fact that the preference of one family for educating its child at home is often heard by a school board or superintendent as a criticism of the local school system because these authorities are so accustomed to thinking about children in categories rather than as individuals. The system does not encourage -- and cannot afford -- addressing each child as unique. There are special programs, ability groups, levels and tracks. But individual children or families do not exist. If the school is inappropriate for this child, then ipso facto it is not serving any of the children in the same category.

Often parents who are trying to avoid criticizing the school system are asked if tests have been made to determine whether their child fits within one of the special education or gifted child categories. The response of the family is usually to resist testing and labelling of the child, but most home schooling families sense that it is unrealistic to ask that someone abandon this categorical form of thought and pursue the idea that education is personal and individual. Time after time, the discussion between family and school official begins drifting into a debate over whether the child fits within one of the categories which form the basis of government schooling.

The result of the bureaucratically adaptive tendency to think about groups and ignore individuals is that whenever home instruction is suggested, the superintendent feels the need to defend schools, while parents respond with attacks on schooling. To the school official, the modest achievements of children in school become the soaring accomplishments of a century of democratically run schools, publically funded and publically controlled. To the parents, the child's coerced conformity to a school's

petty rules of behavior becomes a tragic history of the mutilation of childhood and a cause of the simultaneous death of learning and liberty. There are enough books, studies, and expert opinions to show that both sides of this dispute are correct. The question of the adequacy of public schooling joins the threat to professionalism as a central theme underlying the growing conflict between family and school over one child's education at home.

These issues rarely are consciously recognized by the participants as influencing their positions. The typical home schooling request lends to several meetings with school authorities in which the discussion of the proposed home education plan comes to center on the vague notion of "equivalence" between the home curriculum and that supplied by the local public schools. The discussion of equivalence often serves to reinforce the existing tendencies to think about education in borad categorical terms, to regard the family request as an attack upon public schools in general, and to provide a basis for the professional prerogative to judge the quality of schooling.

If the need to find equivalency exaggerates some problematic general attitudes about education, it also provides virtually no guidance about the balance of power between school and family. At opposite ends of the spectrum of possible interpretations of the meaning of equivalence, two things are clear: equivalence cannot mean "identity" or the constitutional right to an alternative to public schooling would become meaningless; and the family may not completely escape public education requirements or the term "equivalent education" would lose all force. In the vast gray area between these two extremes the discretion of the school authorities has proven almost limitless.

Parents are typically unable to discover what standards the superintendent will apply in judging equivalence. The discussion about the issue therefore begins with the family at a psychological disadvantage. They are being judged on the basis of unknown standards. Worse still, the judgments which are eventually rendered are often devoid of the kind of information which might allow the family either to effectively dispute the judgment (with testimonials from its own education experts) or change the proposed program to make it acceptable. Many parents regard these broad statements about the inadequacy of their proposed teaching methods, subjects of study, goals, and teaching abilities as a backdoor method for the superintendent to impose upon the family the idiosyncratic education philosophy or moral and political values of the school system. Given the confusion in education literature about what methods produce what results, and given the substantial differences in attitudes and beliefs of family and superintendent, the parents' suspicion can hardly be considered paranoid.

In one superintendent's memorandum denying approval for home education three specific grounds were given. First, that the parents, both of whom are college educated, did not show information about "training or background appropriate to the task" proposed. Second, that there was no "curricular sequence" in the thirty page home study plan. And third, that the plan provided "no opportunity to develop group skills with children of his age." In an equally informative denial of home education in another state, the local superintendent informed the school board that the proposed home education plan "would in no way be comparable to the total program of our public school" considering the school's "special teachers in music, art, physical education ..." and the "countless items of media ... and other equipment available in a formal school setting." Both of these rejections

were later overturned by higher authorities, but without adding any substantial clarity to the permissible content of the trojan horse "Equivalence."

Even the superintendent may be uncomfortable with the official view of equivalence he has generated in response to a home education request. Local school officials are under grwoing restrictions from state and federal authorities which may prescribe courses to be taught, hours and days of required attendance, regulations for the hiring, transfer, or firing of teachers, tests to be given and special programs to be established. Further, declining birth rates and inflation put school authorities under extreme pressure to extend their near monopoly over schooling as a means of compensating for projected loss of clients and resources. A siege mentality is generated. Between the lines of home education rejections one can almost read the internal monologue: "If I have to struggle with these bureaucratic restrictions there is no justification for allowing individual families to escape them." The availability of a wide area of discretion for the superintendent in approval of home education provides an opportunity for an over-restricted superintendent to become the regulator rather than the regulated. The appearance of a family requesting approval of home instruction consequently has often become a lightening rod for many of the frustrations endured by the employees of highly bureaucratized public schools. The superintendent is probably doing the best that can be done with a bad situation as he or she attempts to keep the public schools running smoothly. To be confronted with people who feel they can do better by avoiding the very bureaucracy which defines the superintendent's work rubs many school authorities the wrong way.

The meeting with the school authorities is traumatic for the family because most have a sense that under the civility and vagueness of the

process there are deep institutional and professional forces which will prevent a direct discussion of the issue they care most about -- home schooling for the child. At the core of this problem is an almost unreachable dilemma -- the clash of individuality with institutional/bureaucratic patterns of thought and activity. The home schooling family's symbolic significance -- a significance with which it is invested by society -- creates this dilemma. The family has its own beliefs about the world, its own ideas of success, failure, survival, and conscience, and in some cases its own philosophy of education and life. The family does not wish to be incorporated in a school, regulated by a political majority, or manipulated by a bureaucracy. In fact, in most instances with which I am familiar, the family, no matter how religious, does not wish to identify with the formal theology of an organized church in its struggle for home education. Yet in response to these assertions of individualism, the school authority can muster only bureaucratized perceptions and regulated responses.

The clash of individualism and schooling is fundamental. In classroom and curriculum the school preaches respect for the individual. In the legislature, the media, and much scholarship the school system justifies itslef historically as a teacher of the democratic value of individual dignity. The point is well made by Diane Ravitch in her book The Revisionists Revised: "The democratic-liberal tradition argues for an education that respects the worth and dignity of each individual, that prizes freedom of inquiry and expression, and that enables each person to think and participate and choose independently." Yet the reality of managing and working in public school makes the recognition of individualism impossible and threatening. The structure of schooling transforms the ideology of schooling into hypocrisy. It is no wonder school authorities react defensively and irrationally to requests for home instruction.

The family which seeks permission to educate its children at home has unearthed a longstanding contradiction in American society. A history of individual autonomy and independent action has been all but buried by the inevitable institutionalization of life functions; yet individualism remains a central part of American consciousness. The more the expectation of individual effectiveness and the ideology of individual dignity are touted, the less they are observed in social structure. The more insistent upon recognition is the voice of an individual, the more tense and uncomfortable institutional managers become about their inability to respond to this voice. The home schooling family makes us conscious of this painful contradiction between ideology and practice. Pressure is generated to either reject the individualist ideology upon which the political system was originally based, or to reaffirm this ideology by restructuring our social institutions.

Education is expected to harmonize and integrate ideals with reality, to oversee the development of beliefs and their extension into life activity. That is the meaning of socialization in schooling -- its central purpose in the public mind and judicial opinions. In schooling, therefore, the contradiction between individualist beliefs and institutional activity is hardened; and those whose actions expose this contradiction to public examination are met by irrational and oppressive reactions from school authorities. What the late 20th century home schooling family is discovering is not only that there is no room for its peculiar values and beliefs, but that the dilemma of individualism in an institutional society is so tension ridden that it paralyzes social action and fragments cultural beliefs.

In superficial civility the opposing parties find one of their few agreements. Even later, when the harshness of the school authorities' actions become evident and the resistance of the dissenting family stiffens,

most parents acknowledge that all parties are sincere and that no individual is to blame for the consequences of increasingly polarized positions.

In defense of their nice-guy posture, school authorities remain civil by invoking the requirements of law. School counsel can usually come up with a legal rationalization for the exercise of any school discretion, but the schools invariably transform these rationalizations into compelling motivations. The evasion of responsibility is, unfortunately, typical of the thoroughly bureaucratized mentality. What makes this evasion doubly disturbing is the apparent complicity of families who persist in denying that there are any "bad guys."

The reliance on "Law" to evoke obedience where the professional authority of the superintendent or school board is not persuasive reflects the degree to which the schools already feel beleagured by constant value conflict and by legal restrictions which become substitutes for a community of values. In fact, however, legal restrictions on home education are endlessly flexible. Hiding behind the law serves two related functions: it escalates the family's fear of authority as a means of gaining their acquiescence; and it provides an outlet for the Superintendent's own fear of authority by allowing an escape from personal responsibility. In one midwestern city a superintendent about to embark on the second criminal prosecution of a home schooling family asked the county attorney to tell him that prosecution was required by law. The county attorney refused, pointing out that it was the school board's duty to decide what course of action to take and the attorney's duty to effectuate it once decided. The Superintendent was flabbergasted.

School superintendents who behave in this way do not have as their purpose to prevent home schooling, to arrest parents, or to legitimize

the kidnapping of children. Their evil is more mundane. They are unable to take responsibility for the consequences of their decisions. These consequences for the individual family which does not fit neatly into pre-arranged bureaucratic school categories include being subjected to deep emotional stress, to a denial of educational aspirations, and ultimately to harsh deprivations of family liberty and freedom of belief. Yet the bureaucrats claim to be only doing what the law requires or what is "in the best interest of the child." There is no real connection between the denial of a home education request and its effect on the family making the request. This submersion of person in role makes a mockery of ethics and elevates amorality to the status of virtue. Just when parents seek to take responsibility for transmitting family culture and providing education to their children, the bureaucrat denies them. In the process, he refuses to take responsibility for his own actions. This is what Jonathan Kozol calls "ethical numbness," the constantly recurring theme that we all have a stake in the repression of awakening consciences.

Once discussions have taken place and home study plans have been written, submitted, and evaluated, the superintendent or school board makes a decision about equivalence and general compliance with the requirements of compulsory education. Having been denied its request, the family, sharpened in its desire for home education, and stiffened in its resistance to institutional schooling, must prepare for the formal legal action which the schools will eventually take. The mutated family has failed to find a niche in the ecology of bureaucracy. It must now try -- without this niche -- to survive in the more confusing realm of the law.

Chapter 4: Endangered Species: The Public Reaction to Home Education

In spite of the strains imposed by prolonged uncertainty and conflict with school authorities, most home schooling families continue to value their independence and are nourished by a growing sense of moral and intellectual correctness. They report receiving supportive and sympathetic reactions including letters of support, small contributions for legal fees, unsolicited advice, and requests for help from other families. With the help of John Holt's newsletter "Growing Without Schooling" loose networks of mutual support have cropped up in various states and, on an ad hoc basis, across state lines. Some types of expertise are offered in curriculum planning, education, or legal issue. Most of this kind of support comes from outside the immediate community.

A second form of support, is based on the absence of public information about the specific values and beliefs of the family. The press and electronic media, contribute to the development of this support by presenting local conflict as a David and Goliath battle. Under these circumstances it seems inevitable that some people would come to identify with the family as underdogs standing up for themselves against general pressure from institutions and inaccessible authority. From this perspective a home education family has simply gotten fed up sooner (or more vocally) with one form of the bureaucratization of daily life. The cultural issues brought out by home schooling conflicts make politicians cautious about their reactions. One education commissioner observed that home school conflicts were a part of the general problem of relations between family and state, that his office could make no regulations or guidelines about home schooling until the general political trend was clear. The politicians' caution and the supporters modest activities reflect the fact that the public

is unsure whether home education represents mainstream American values or a threat to middle-class life styles.

Antipathy toward home-schooling families is detectable, but on a similarly small scale. The families report no nasty or overt acts of antagonism from private citizens; but letters to the editors of local papers and conversations with some community leaders indicate that some people feel that home schoolers have deeply insulted the communities in which they live. For some people the idea that the public school is "not good enough" for a home schooling family is expressed as feeling that there must be something crazy or irresponsible about the home schooling family. By going public with their desire for approval of home education these families have exposed themselves to some hypercritical judgments about the quality of their lives. They become fair game, like many public figures, for the projective moralism and intolerance of those who belive that there is "one right way" to organize families, raise children, and operate schools.

The feeling that home education insults the community arises predominantly from a sincerely held belief that publicly run schooling, however imperfect, is a major achievement of community cooperation and a significant expression of the process of community building. From this point of view, those who opt out of the school system do more than just reject the values which currently appear to hold sway among the general public, they refuse to acknowledge any obligation to participate in public value formation on its most local and accessible level. Worse than simply being anti-boosters these individualist families do not accept the argument that society requires a process for creating and recreating group cohesion.

Although the public probably universally believes that religious decisions within a family are no business of the public or the political process,

the notion that the public can validly involve itself in value and belief formation through schooling at the heart of civic pride in government schools. Few admit seeing a contradiction between government neutrality towards religion and control of schooling. To people who attended public school and whose parents attended public school, experience legitimizes a secular ideology of compulsory public school attendance as part of community life. Yet fear can also be detected in those who feel the community is insulted by home schoolers. The agreement about attitudes and beliefs which informs the structure, practice, and curriculum of public schools (if it is an agreement and not an imposition by a special interest group) is fragile. The fear is that too many competing beliefs expressed too openly will shatter the fragile agreement which allows government run schools to be regarded as truly public institutions. Home school requests thus heighten public confusion about which beliefs are really valid expressions of the community. This defense against anomie also reflects a recognition that the structure of public schools itself threatens the fragile public consensus of beliefs about schooling by requiring public choices among diverse private consciences. By demanding a majoritarian approach to the formation of individual beliefs and values in children, government schools appear to create a unity which the presence of home schoolers shows does not really exist.

The majority of people in those communities which experience conflict over home schooling express neither sympathy not antipathy for the dissenting family. But the silence of the majority does not indicate disinterest, at least if television, radio, and press coverage can be taken as an indi-

cation. It has proven impossible to gain direct access to the thoughts of those who watch home schooling conflict with detached curiosity, though these people are undoubtedly the backbone of support for public schools and for the superintendents who prosecute home schooling families in the public name. But a series of discussions with public school authorities, educators, education writers, civil libertarians, and others who are accustomed to articulating and influencing the views of the silent majority does yield some striking common themes. By putting all these comments together one can discern an outline of some elements of the ideology of schooling as it is expressed in reaction to home-schooling. Much of this ideology is stored by liberals and conservatives alike. Home schooling controversies, in effect, bring out the ideological defense of government schooling:

1) The problem of conflict between families and schools is one of balancing the interests of the two. Parents do have important rights and responsibilities, but the society has the predominant responsibility for family morals and beliefs. It is appropriate for any family to concern itself more with the general education of children in society than with the particular education of its own children. To do otherwise is selfish.

2) One of the obligations of the public which can legitimately be carried out through school policy is the protection of children from "bad" parenting. There are alot of crazy parents out there who will ruin their children and block their self-development as healthy individuals if the schools do not provide a counterbalance to their influence. Conflict between parental and school influence on children aids the development of a child's independence and freedom of thought.

3) School is an essential force for social cohesion. Any right of parents to home education outside of approved public morality creates a clear danger of social fragmentation. Religious fanaticism, racism, anarchism, and other evils would result if the process of political compromise over school issues were abandoned. Even a bureaucratized public order is preferable to chaos or anarchy.

4) The socialization of children in groups is essential. Only through peer group schooling can children learn to get along in a highly interdependent society.

5) The mixing of children from different backgrounds and from families with differing beliefs and values is vital to peace in a pluralistic society. Without the mixing of children in schools, adults would not respect each others' differences.

6) The adequate functioning of the American democratic system requires that every child be taught the values of liberty as well as the skills of literacy. Coercion in the name of liberty is valid.

7) Children who are educated at home may become hermits deprived of the skills needed for economic survival and political participation. These children may become a social burden in a complex society and may be deprived of economic opportunity. The society can justifiably protect itself against these costs through its school system.

8) There is a genuine certifiable expertise to teaching which many parents lack. The protection of children from inadequate teaching is a compelling public interest.

What all of these elements of liberal ideology of schooling amount to is an attempt to define what David Tyack has called (in his book by the same name) "the one best system." They share a general distrust of

parents and a view that it is possible, desireable, and even essential to prescribe a system of values which is best for everyone. Even when these are defined as minimum values which do not occupy the entire range of human beliefs, the assumption is that each family must adhere to the minimum in child bearing in order to qualify for the right to dissent in other areas. The culture, the political system and the state have the right to preserve themselves through government schooling. Those families who insist that home education is a part of the fundamental rights of citizens are in the minority and in the environment of school ideology, constitute an endangered species.

Chapter 5: Unnatural Selection: The Court Hearing

Most families whose commitment to home schooling is strong enough to sustain them in a struggle with a powerful school bureaucracy are undaunted by that bureaucracy's denial of their request for official approval. The child typically has been taken out of school before the home education request was made and has remained at home during its pendency, a period of as much as a year in some cases. During the struggle the parents have had to explain and defend their views on education so many times to school authorities, the press, friends, and themselves that an increased clarity of belief appears and a firmer sense that home schooling is right for its children takes hold in the family. Even those families which began home schooling on an impulse or with only a vauge, anti-state ideology have by now developed an articulate criticism of institutional schooling.

Not only has the school authority's behavior thus far failed to convince the family to return the child to school, it has fulfilled some of the family's worst fears about government. Through systematic if unintentional insensitivity to the particular values and needs of the family, the school has affirmed the family's suspicion that individual education and institutional schooling do not mix. By overwhelming the family's vision of survival with self-serving professionalism and bureaucratic defense of public orthodoxy, the Superintendent has confirmed the fear that the people exist for the state and not the state for the people.

The dissenting family waits tensely, trying to go on with its home education, while the school authority examines the legal tools of compulsion available to it. In some states a Superintendent's home education ruling may be delayed by an appeal to a state board of education, or by a request for local reconsideration. During this time the threat of criminal prosecution for violation of the compulsory education statute

or the possibility of a child custody petition filed by the welfare department occupies the thinking of both family and school authority.

As was the case during the meetings with the superintendent, civility and the veneer of respect for the family's sincerity are usually maintained. If harsh and divisive measures are being considered by the superintendent it is not personal animosity which motivates him but "the duty to enforce the law." In spite of the apparent good faith, the polarization of positions begin to increase, compromise becomes less and less likely, and the conflict takes on a life ot its own. Personal views of survival, of education, of what is best for the child all begin to fade. The preparation for a legal battle seems to make the issues more abstract, more power oriented. The desire for vindication is often added to the emotions with which everyone must deal. The school bureaucracy moves slowly, like a steamroller; but in many cases it moves inevitably toward bringing family into court where a judge or jury will be asked to select whose values are fit to survive. Under this kind of stress, and considering their lack of financial resources, it is remarkable how few families seek a way out of legal conflict.

The form in which the conflict appears in court varies from criminal prosecutions and child custody contests to civil actions brought by the family to secure the desired right of home education. Whichever path is taken the problem usually is reduced to one general question: How much power does an individual family have over the education of its own children, and what, if any, restrictions will the law impose on the discretion of school authorities to regulate home schooling? Nearly sixty years ago in a

private school case the U.S. Supreme Court affirmed the constitutional right of families to choose an alternative to public schooling, and declared that "the child is not the mere creature of the state." That began rather than ending the problem of allocating power over value socialization in schooling. The parties to home education litigation are confronted with the need to clarify in public law what they have been unable to agree upon in private discussion.

A surprising number of families involved in this type of court action choose to represent themselves, at least initially. Those who do, report a general distrust of lawyers. "The politicians are almost lawyers and look what a mess they have made of things," one father commented. But the motivation does not seem to be a concern that an attorney will not adequately represent the family's position. It is simply consistent with the individualism of conducting schooling at home for a family to represent itself in court. There is a feeling that the constitution and individual rights mean more than lawyers make it mean, just as education means more than school superintendents make it mean. The thread that runs through home and self representation decisions is the desire for independence and self-sufficiency and a distrust of institutions.

The spotty history of home education litigation over the past five years includes some cases which are decided against the family, and court cases which end in victory for the family, but with no significant change in the substance or clarity of the law effecting home education. A parent may simply be acquitted of a truancy type charge and wind up continuing home schooling while the next round of charges is prepared. A few cases

rise above the magistrate or probate court levels to state appeal courts. These require even greater financial resources from the family and school authorities, more sophisticated legal representation, the use of "expert" testimony, and an attempt to set a precedent for other home school cases. Those families which are able to go this far down the predictable path of home-schooling conflict are transforming their private dissent into a question of importance to the entire public.

Most courts do not like to have to deal with education cases, especially home education cases. The issue is relatively new. Most of the judges who see these cases believe they know almost nothing about education, though they generally have children of their own and though some have served on local school boards. The professionalism claimed by school superintendents is not without its effect on these judges, who can be counted on to resist the "legalization" of social institutions which claim specialized knowledge. The general problem of decision-making fairness--of due process--is of concern. But most courts are predisposed by the ideology of law to avoid choosing among education values and to accept the expertise of school authorities as determinative. The court's selection of which home education plans will survive is therefore uninformed by either knowledge of education or concern for family rights.

During the typical legal proceedings each side will seek to convince the court that it should be granted the balance of power over the child's education. Each will provide a rationalization for the court to adopt if it decides in their favor. The school authority's position evolves from a grant of power by the state requiring that public schools be provided and that every child within a certain age range be educated in a satisfactory

manner. The grant of power includes an unspecified amount of control over alternatives to the public schools. Whatever specific criteria may be found in the statutes, the school authority will argue that it has been granted discretion to interpret and enforce standards for schooling, that the family's plan does not meet these standards, and sometimes, that no justifications need be given at all by school superintendents for their negative decisions.

The family's position guarantees each family the fundamental right to control the education of its children just as it guarantees religious freedoms of freedom of expression. The power of the state to establish minimum regulations is generally acknowledged by the dissenting family; but it is insisted that the school authority has overstepped this minimum and is infringing the family's privacy and over-regulating its freedom of belief.

In reply the schools argue that the family has a clear right to attend a private school but that the proposed home education plan does not meet the "equivalency" standard which the school board must legally apply. The family will then claim that "equivalence to public instruction" is merely a subterfuge for arbitrarily imposing the majority's or the Superintendent's education philosophy and regulating out of existence the family's constitutional right to an alternative to public school.

Testing and evaluation often become a sticking point in this general argument about the relative power of the dissenting family and the school authority. In some instances the family will offer the results of standardized tests to show not only that their home education program is equivalent, but that its measurable results are better than those achieved

within the public system. Here the school authorities will counter with an argument that there are other factors such as group experiences important to judging educational equivalence. Other families reject totally the idea that standardized tests can measure anything significant about an educational experience. Many feel that testing is biased ethnically, that it distorts the learning process, is intimidating to the child, and inevitably becomes a means of imposing required content through required testing. As one parent put it during his struggle to have an alternative to testing accepted as evaluation, "Testing is like pulling up a plant by its roots to see if its still growing." When testing is rejecting by the home schooling family it seems to become all the more important to the schools.

The self-serving interests of all parties in testing is only a small part of an issue which plagues schools, families, and education policy makers everywhere. At bottom it is a problem of the goals of education. Even when agreement can be reached on a reliable and fair menas of measuring the attainment of a particular goal, the conflict persists over what the proper goals are, who should be accountable for reaching them, and, in some cases, whether education might not simply be the kind of activity, like life in general, which ought have no prescribed goal. The technological problem of measuring learning and the philosophical problem of attaching goals to education are especially acute where individual family dissent confronts categorized school system policy. Emotions run high, for example, over the proper meaning of a legal precedent that the goal of the (Massachusetts) compulsory attendance statute is "that all children shall be educated, but not that they shall be educated in any particular way." The testing issue, like the equivalence issue, is only one form

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of the debate about family and school power over value inculcation in children.

The legal issues which form the surface of the court conflict concern educational equivalency, evaluation, and the appropriate standards of judgment for school authorities. The interests which lie just below the surface of this legal debate are more powerful. School superintendents may act as if they are defending their profession, the institution of public schooling, the primacy of institutions over individuals, the fabric of democratic society, and obedience to authority in general. The family act as if it is defending a child's intellectual and ethical future, the family's right to believe whatever it pleases about the world, individual independence, family solidarity, a radical critique of compulsory schooling, and an anti-statist political philosophy. These interests, and the feelings that go along with being identified with them, all come into court and try to wrap themselves in the garb of the few legal precedents which will actually be considered. It is a tight fit. Most of the issues which the parties bring to the court will not be resolved or even addressed. All that can be done is to indicate whether in this case a school authority has exceeded its power. The fear of dealing with the transmission of culture, of questioning education expertise, and of upsetting the fragile public agreement on values makes necessary a decision on more superficial issues.

The process is an unnatural selection of the winners of the conflict because so much that matters to other families, to school authorities, and to public will be untouched by the court. Very little will be done to resolve with clarity the general balance of power between family and school. Even if the family wins, a great deal of discretion is typically left in the hands of the school authorities to continue using approval standards

as a means of preventing families from pursuing their own vision of survival through home education.

In what is probably the leading recent state case on home schooling, a Massachusetts superior court judge ruled that the dissenting family has a right to choose home education unfettered by school board judgments about family motivations or the lack of group experiences for the child. But the court sent the issue back for reconsideration to the school department of Amherst which had denied the family its due process rights. The court stated that in such a reconsideration the school department could take into account the competency of parents as teachers, the manner in which required subjects are taught and whether they "impart comparable knowledge as given in the local schools," and "the adequacy of texts, materials, methods, and programs being used." Evaluation prescribed by the superintendent and based on the family's goals was permitted. It was a victory for the parents but not for home schooling in general.

Up to this point no major court has struck a clear and comprehensible balance between the power of the family and the power of the school authority to control the education of the child. When such an occasion does finally arrive, the court will not succeed in resolving the conflict over home education unless it abandons attention to superficial issues and takes up the question of whether the right to preserve family values and privacy is fundamental and the right to an alternative to public school so basic to freedom of belief that the state must have a compelling justification for any regulation it makes of home education. The prospect for individual dissenters in this future case is not good, however, because the Supreme Court has shown a tendency to support an escape from the secular orthodoxy

of public education only for those who subscribe to a religious orthodoxy and are willing to accept institutional education. Until such a case exploring the constitutional magnitude and cultural significance of home schooling, is argued and decided, these conflicts will continue to foster. Issues of personal conscience and institutional interests, will continue to produce a level of strife which threatens famliy fabric and institutional stability.

The courts have provided little help, not only because the adversary process is so brittle and the issues evoked by home education so deep and complex, but because the alternative solutions available to the court are so limited. Here the parties and the court agree that home education conflict would be better not brought to court at all. One school board member who voted against a home education plan stated his opposition to having the matter resolved in court as follows: "Judges do not have the flexibility needed for a creative solution. Just like the rest of us, their education did not teach then to think of alternatives." It may be that, as this comment implies, mediation would be more likely to successfully resolve individual home education disputes then would formal court proceedings. But mediation would be incapable of resolving the core issue of whether the state should have substantial control over family education decisions. That is an issue of constitutional magnitude which increasing importance as conflict over cultural values deepens.

The inability of school authorities to tolerate home instruction, and the failure of the legal system to articulate a clear and acceptable balance of power between family and school, makes home education a continuing conflict. At the heart of this conflict are competing conceptions of the

beliefs, attitudes, and world views necessary to survival of individuals, families, and culture. Such conflicts are probably impossible to resolve by means of political or legal processes which require dissenters to sacrifice deeply and sincerely held beliefs, no matter how wrong-headed. The irreconcileable nature and emotional pitch of these struggles uncover a cultural contradiction: individual dissent is honored by America's ideology but cannot be practiced in America's school systems.

The families whose lives have begun to follow the predictable path of the struggle for home schooling have paid a heavy personal price to expose an essentially public issue. In many instances the family fabric has tightened in response to the struggle, but the toll in emotional and financial resources has been large. The strain of having one's children at risk and one's daily life preoccupied is more than most people can tolerate. The refusal to accept the easy support of institutionalized life in order to attain independence and perhaps isolation is not a trade-off attractive to many families struggling to survive. For most people the thought of confronting the power of the state produces more ulcers than insights.

In spite of these intimidating costs, most families who have stuck with the struggle through appellate court proceedings feel that, on balance, they have gained by their experience. An enormous amount has been learned about schooling, about selves, and about political reality. The struggle for family survival has strengthened them emotionally. One father noticed that after a year of fighting for his own constitutional right he developed a much clearer sense of the meaning of individual liberty and a stronger commitment to his beliefs. So clear has his sense become that he began to notice that he was violating other people's rights in the ordinary

practice of his work as a police officer. When he extended his new found ideology to his work and refused to take actions he believed violative of a citizen's constitutional rights, he discovered himself in trouble with his superiors and his co-workers. For families like this the struggle over schooling does not end, it extends itself as a form of dissent into other areas of institutional life. The strength and independence of families which struggle against public orthodoxy is a notable contrast to the prevailing passivity of their neighbors.

The final irony of home education struggle lies in the individualism which these families assert so vehemently and which school authorities find so painful. A few families, having rejected institutionally formed and maintained values in order to practice and pass on their own beliefs, are now searching for a wider community of shared values. There is little temptation to return to the school community, which they regard as artificial and bureaucratically imposed. There is a temptation to look back to one's ethnic or religious roots, but these are regarded as having been transcended and as having lost much of their legitimacy. The effort to conduct schooling within a community which shares the values which have come to the fore during the home schooling struggle is tentative and experimental. But it does seem to betoken a recognition which contrasts sharply with the individualism which motivated the home schooling decision: that education must take place within a community to gain its full impact and use. At the very least, the tentative communitarian thinking of educational individualists suggests that social cohesion, no matter how essential to life and education, does not derive from coercive state intervention.

Public Orthodoxy
Private Dissent
by
Stephen Arons

Draft
Not for
Quotation or
Publication

Part II: Book Selection

Chapter 1. The War Over Orthodoxy

> Probably no deeper division of our people could proceed from any provocation than from finding it necessary to choose what doctrine and whose program public education officials shall compel youth to unite in embracing.
>
> -- Justice Jackson, West Va. v. Barnette (1943)

The level of conflict over books in America's public schools has been increasing dramatically. Studies by groups as diverse as the Association of American Publishers and the National Council of Teachers of English have estimated that up to 30% of the nation's school districts have experienced book and curriculum conflict in the past few years, and that these battles are becoming more widespread. The results of these often heated disputes include tenseness and distrust among parents, teachers, and school officials; the polarization of communities; and the breakdown of the process of school governance. Reports in the public media suggest that no community, no belief, and no author, is immune to the growing effort to control the ideology of public schools through control of its libraries and curriculum.

In Indiana books are burned because they raise questions about divorce, drug abuse, and pre-marital sex; and an English

teacher is fired because she does not hold traditional views on the role of women in society. Solzhenitsyn is banned in Maine as well as Moscow; Malamud is viewed as anti-Semitic in Levittown, New York, and is trashed along with Langston Hughes who is alleged by white school board members to be "anti-Negro;" Maurice Sendak's four year old character, Mickey, must wear magic marker shorts "In the Night Kitchen" lest the kindergartners of Springfield, Missouri be corrupted; the texts of Oregon must not cast aspersions on the Founding Fathers and those of Louisiana must teach the benefits of free enterprise economics. Sex role stereotypes must be removed from books in Montgomery County, Maryland; the junior high school children of one district of New York City may not read about life in Spanish Harlem; books are screened for racial stereotypes and Huck Finn is finished in Winnetka, Illinois. In Mississippi a federal court decision is required to tame a state textbook authority which has refused to approve a text recognizing the reality of race relations in the state's history. A tenth grade teacher in a high school outside Washington, D.C. is suspended for teaching Aristotle's Poetics and Machiavelli's The Prince. The legislature of Georgia insists that Genesis be given equal time with evolution; whole dictionaries are banned because they contain multiple definitions for "bed," "knock," and "shack."

In the explicit curriculum of public schools, socialism, materialism, secular humanism, elitism, individualism, escapism, ageism, women's liberation, Darwinism, religion, sexism,

permissiveness, conformism and just about anything capable of being labelled has been attacked. From ideological, political and religious crusaders to racial, moral and sexual objectors the number of people fighting with each other over what the schools should or should not teach has increased dramatically in the last five years. The American Library Association, which monitors these developments with obvious horror, believes that censorship is more vicious, more sophisticated, and more widespread than it has been at any time since the days of Joseph McCarthy, and reports a quantum leap in book challenges following the election of 1980. Scores of state and national organizations of all political stripe, but generally reflecting the rightward swing of American politics, have sprung up to aid and encourage the censors. Where Americans inflicted with McCarthyism suspected that aliens lurked under every bed, it is between the covers of every book that the search for unacceptable ideas is conducted today.

While the phenomenon may seem a simple confrontation between good and evil to the casual observer on either side, consorship is in fact a highly complex set of reactions to the faulty design of American school systems. Beneath the surface of what is often described as the struggle of the narrow-minded against the open-minded, families are taking seriously the 100 year old ideology of compulsory schooling: that to be concerned with the education of one's own children is human but that to be concerned with the education of

everyone else's children is divine. Censorship is more than censorship. It is a battle over the transmission of culture required by a system which prescribes majority control of education decisions for all but the wealthy. The conflict often threatens to go out of control because it reflects a cultural crisis in which our common assumptions seem less and less able either to explain the present or to give guidance for the future.

The following are based on extensive research into school censorship, including impressions gained from interviews of parents, teachers, students, school administrators, lawyers and others involved in the struggle over school content around the country. It is an attempt to evaluate censorship as a war over public orthodoxy, and to describe its consequences for politics and personal conscience. To make this description we must begin with some reflections on what most Americans believe about public schooling.

The health of American public education depends almost entirely upon the existence of a rough consensus of values among families on a local basis. How Americans understand the past, behave in the present, and predict the future are all assumed to be reflected in the experience children have in school. This ideology of schooling holds not only that our most local political institution should reflect the existing consensus of values, but that it should be a social instrument for the reform of those values and the perfection of national and personal character. When the public begins

to believe that the consensus is weakening, a battle for the control of socialization in the schools becomes necessary. As the battle heats up it provides further evidence that the consensus is fragile or suggests that it never really existed. The children, who as the next generation are assumed to need such a consensus in order to survive, become the object of the battle. Only those dissenters with substantial financial or religious resources at their disposal can avoid the conflict by seeking private alternatives. For those who remain, unexamined confidence in the usefulness of public schooling often turns into active suspicion that our neighbors are dangerously different from us and that they are trying to use the public schools to spread unacceptable beliefs. Acquiescence in professional judgment about education may turn into skepticism and anger. In the most pitched of book conflicts, feelings of political impotence and cultural frustration turn cooperation into conflict. Book wars can become a political forum for expressing deep concerns about value inculcation in schools -- about who shall control the transmission of culture and, in the process, define that culture.

As befits conflicts in which many of the participants view themselves as rescuing the nation's children from the collapse of culture, there is an abundance of anger, fear, literal-mindedness and self-righteousness, as well as petty power seeking. In Warsaw, Indiana the pitch of the campaign against one of the offending textbooks, Values Clarification,

became so great that the town's Senior Citizens' Club claimed to be rendering a public service by burning the books in the city park. In Levittown, New York, four years after the works of Malamud, Hughes, Vonnegut and Cleaver were removed from the library and teachers were forbidden to discuss them in class, the climate of fear was so strong that dissenting parents and teachers would discuss their views of the conflict only under secret conditions. Most would not consent to an interview in any place or under any circumstances, imagining that their jobs or their security in the community would be at risk if they said publicly what they felt privately.

The emotions which are engaged by the battle for control of socialization in schools are one indication that these conflicts cut to the personal and cultural core, touching beliefs, faith, conscience and the assumptions that inform the relationship between generations. But these emotions also cloud the public isses at stake, drawing the participants and the observers alike into a narrowly focused sense of urgency about their self-interest.

The tension in these conflicts is high; and those who feel so much is at stake in controlling school curriculum are often excessively serious about their mission, so serious that they cannot find comic relief even in battles such as those peopled by a self-assured school superintendent named Bragg, an English teacher named Lipp, and an attorney named Darko. Although the combatants often seem to take themselves too seriously, it would be a mistake to slight these deeply

felt concerns of sincere and troubled parents or to make light of the substantial damage these conflicts have caused all the participants. In fact there are books, rules of behavior, curricula and even teachers offensive to many who take the time to examine how their children are being educated. Parents, it seems, can usually find some fundamental value difference between their family and the least common denominator in the public school. Racial and gender stereotypes abound. History texts and history itself are made and remade to suit the dominant ethic of the times. Religion and morality are not taken seriously. Dysfunctional values are taught and young minds are bureaucratized. There are always issues of conscience in school curriculum and texts. Because teaching can never avoid giving shape and form to the world through the assumption of attitudes, the selection of facts and the dependence on some faith, no matter how mundane, the schools can never be value-neutral. Competing groups of parents, though they may sometimes be used by larger political interests, cannot be faulted for feeling that their own understandings of life are threatened in the world at large, or for trying to find a way to prevent their children from inheriting in school the alienation of adults in the community.

The censorship of school books and the struggle for control of texts and curriculum are not new. But prior to the entrenchment of universal compulsory schooling in the last part of the nineteenth and early twentieth centuries, many of the value conflicts which might have been played out as contests over

texts and curriculum took a very different form. The number of escape valves available to families who disagreed with public school policy was greater, not only in the absence of legal compulsion to attend, but in the parental power to determine parts of a child's curriculum in public school.

Many struggles over values and socialization in the pre-compulsory days of public schooling concerned the parameters of schooling itself: compulsory taxation for schooling, political control of schooling, conpulsory high school and its aims. But as these issues began to be resolved and universal compulsory schooling became entrenched and accepted, private alternatives to public school became the province of the wealthy or the religious. Increasing attention seems to have been turned toward control of the content of public schools. Though the content of books had shown political and religious as well as racial and other biases as early as the Mann crusades of the 1840's, too many structural issues remained unsettled and compulsion was still too far off to direct the energy of dissenting families toward texts as a primary target. It was after the end of World War I that episodes of censorship became prominent and generated legal as well as political controversy. Once the school system was established as the main institution of socialization, its "content" became a focal point for value conflict.

A series of court cases traces the tip of the censorship iceberg and shows with a few exceptions the deference of the

courts (and constitution) to the political process on these issues. The earliest widespread conflict over text and teaching came with the rise of fundamentalism and nationalism in the 1920's. In one landmark case the state of Nebraska had legislated an end to all foreign language instruction in public and private schools, a xenophobic act directed primarily at German language teaching in private schools. The Supreme Court, in 1923, declared unconstitutional such close restriction of what may be taught. But this case, even when combined two years later with the famous Pierce ruling that families may not be compelled constitutionally to attend public schools only, left an enormous and vague area in which it was unknown to what extent the political process could be used to prescribe the values children must be taught.

As the twenties wore on, the effort of the increasingly powerful fundamentalist sects was directed at preventing the teaching of evolution and resurrecting the conflict of Genesis and Darwinism which had stayed below the surface of public life since the third quarter of the nineteenth century. The Genesis textbook crusaders were not stopped by the legal defense in the Scopes trial of 1927 or by the steamy spectacle of William Jennings Bryan jousting with Clarence Darrow in Dayton, Tennesseee that year. Scopes was convicted and in the ensuing decade anti-evolution bills were introduced in 37 states. The attempt to control this aspect of textbooks was so successful that for nearly thirty years biology texts made almost no serious mention of Darwinism and the theory

of evolution. To this day the average high school biology texts contain less than 50 lines about evolution. It was not until 1968 that the Supreme Court invalidated a state law prohibiting evolutionist texts and teachings on the ground that such activity constituted an establishment of religion in the public schools.

The 1950's saw another wave of censorship, this one accompanying the anxiety and intolerance of McCarthyism and hysterical anti-communism. As Mary Raywid's detailed study, The Axe-Grinders, shows, the censors were an interlocking directorate of political rightists who found support among ordinary people whose values were not those of the mainstream. During this time the Supreme Court handled a number of cases involving teacher loyalty oaths and laws prohibiting the teaching of "subversive" ideas. While many of the laws were struck down, the Court's actions came on a range of technical issues. The question of academic freedom was only rarely discussed and the Court completely avoided the problem of a conflict between a majoritarian institution for compulsory socialization of children and individual freedom of belief. That the schools had become a battleground for competing ideologies was formally unrecognized.

Even in the religious cases of the early 1960's, schooling was not presented as a socializing institution. The Court was willing to declare that the wall of separation of church and state prevented the introduction of religious ceremony in the public schools. But it did not recognize the existence

of secular indoctrination in schools and it failed to notice that religion was but one of many motivations for community conflict over schooling and socialization. Had it done so, it would have given powerful impetus to those interested in contesting texts and curriculum then in use.

None of these censorship themes -- religion, science, or jingoism -- has disappeared. They can all be found imbedded in the more varied modern consorship controversies. Two things clearly are shared by the older and the newer struggles over values in text and curriculum: the intense emotion and widespread polarization they generate, and the persistent refusal of courts to examine the possibility that the war over orthodoxy in schools is the modern equivalent of the war over state religions fought in the 17th and 18th centuries.

The history of text and curriculum contests, and schooling in general, may be viewed as a process in which the public makes demands of the school system as a socializing institution at those times when society experiences deep value conflict or uncertainty. The schools are expected to become the remedial source of social cohesion.

Chapter 2.

Culture on the Brink: Heating Up the War over Orthodoxy

When the way is lost then come the laws.

-- Lao Tse

Censorship of school books and teaching is, among other things, an attempt to impose meaning on social order and, in

the process, to define personal identity. The myriad of petty struggles to secure or sever books used in classroom and library are reactions to the alienating confusion of a culture in which customary explanations no longer seem to have the power to explain very much. Two broad categories of these efforts to enlist government power behind private ideology can be seen from an examination of the hundreds of incidents of censorship across the country: ideologically articulate censorship and scapegoating censorship. By very different means each type tries to cope with the culture-wide collapse of explanations the censors feel. The term "censorship" is used to include all kinds of struggles over books and curriculum whether involving removal or initial selection.

- Scapegoating -

In the largest number of censorship incidents (NCTE survey), those protesting the content of books in school libraries or curriculum have no discernable point of view. They are simply <u>against</u> whatever books they choose to be against. Antagonism and exclusion are more important to them than content. Their declared reasons -- the means by which they elicit the support of other citizens and eventually of the school board -- are often that the books contain "filth," "obscenity," "vulgar language," or "smut." The words and phrases offered to prove these contentions are taken out of context and used without regard to the overall intent, tone, or significance of the book. It is almost

never claimed that the books are obscene in the legal sense -- that is, that they are a sexually explicit appeal to prurient interests devoid of redeeming social value. These books are simply "dirty" and must be banned.

The outcry against smut is no more than a politically useful tool which enables parents and other community members to have a joint experience of successfully exercising power over schools by banning something, anything. Because there are in fact few shared values among the participants an attack on a book can generate more emotion than can be created by supporting a book's replacement. The companion technique for generating political power without advancing any point of view is a form of double-speak which is so absurd it makes reasoned discussion impossible. The action of the Island Trees School Board in New York is an example. On the advice of a state-wide school book sanitizing group called PONY-U the school board removed several novels from the high school library including Bernard Malamud's The Fixer. The school board appointed a committee of teachers and community members to present information about the offensiveness of the books after the banning decision. On the committee was a man who, when asked by an English teacher on the committee what he saw in Malamud's novel that was "anti-semitic," replied that he did not have to answer, that he had "a vote like everyone else on the committee," and that he was "voting to ban The Fixer because it is anti-semitic." The same "reasoning" convicted Langston Hughes of being "anti-Negro."

These techniques provoke the involvement of people who need no reason for their actions as well as people who prefer the appearance of reason but make no connection between reason and action. The polarization of neighbors which is created by these techniques is a sad spectacle, for it is instigated by people who are sensitive to the breakdown of social cohesion and long for its recreation. These arbitrary, mindless attacks on books create a feeling of unity and identity among the participants. The process is one of community boundary-defining, in which the result of labelling something immoral is to make the labellers feel moral. Those who begin with the empty sense of alienation which accompanies the collapse of cultural explanations for daily life, end by gaining a transient feeling that they have an identity because they can at least define who they are not. A situation which is perceived as being confused, chaotic, or anarchic becomes momentarily understandable. The ambiguous, complex and unsettling visions of literature and of life are defined as good or evil. The polarization of community is matched by the polarity of thought. Because other members of the community resist the efforts of the censors, the struggle can be extended over time; and the experience of projecting evil outside the group can be repeated and reinforced. On a primative level, which few will acknowledge in the heat of conflict, people who sense the breakdown of shared community values are able to create the illusion that there are in fact still some values which hold the community together.

It is, of course, an unconsciously self-destructive means of creating community, like labelling women as witches and burning them at the stake. But this method of censorship is as old as the witch-hunt and as modern as McCarthyism. All three create and exploit the political hysteria which is symptomatic of a partial breakdown of cultural values and assumptions. All three are aimed at creating at any cost, social cohesion, and all three are open to easy exploitation by individuals and groups seeking power in the name of the common good. Scapegoating censorship feeds on alienation and transforms it into hostility.

- Ideology in the Forefront -

Sometimes censorship is ideologically articulate and purposeful, leaving room for opposing groups of parents to fight in the open over what doctrines schools should adhere to. Such censorship begins with an attempt to kill off a "false" vision so that it can be replaced by a "true" vision. Literature, which can be a source of vision about the future as well as a statement of the reality of the present, is often the object of this censorship. One example among many is the use of government power in Warsaw, Indiana, to eliminate books delaing with the oppression of women in society. The action of the censors on this subject was a reaction of traditional values against the threat of modernism. The town was awash in the vaguely understood and unsettling possibility that the beliefs of the parents would not explain the reality of the children and that parental attitudes might

fail to control the future. Hundreds of men and women discovered a sense of community in the newly formed People Who Care. They were articulate about woman's place in the hierarchy of God as they sought to sweep out The Bell Jar and The Stepford Wives, along with the "filth" of Go Ask Alice. "Children seek the parent to restrain them. A woman inherently seeks for man to be in authority over her, and man seeks God to be in authority over him. It is not a question of equality . . . it is a question of a required condition for a stable society."

A spokesperson for People Who Care received the nodding approval of her fellow members when she claimed that they had nothing against the Warsaw high school course on "Women in Literature." They only wished that if the teacher had to discuss women, she would discuss women that young girls could look up to, like Jane Eyre. Issues of feminism and authority closely intertwine with their view that the schools must be the servant of the parents and must not contradict parental values. Clearly the majority of parents in Warsaw, which is next door to the 25-year headquarters of fundamentalist preacher Billy Sunday, felt that the "absolutes of Christian morality" should be reflected in all their children saw and heard in the publicly owned and operated schools.

But the town harbored an equally articulate, less politically powerful group of parents whose more urban and urbane backgrounds told them that women's roles were changing and that the long history of gender was indeed oppressive. For these more "liberal" parents the status quo school values

were adequate. They reflected the same uncertainties as those felt by these parents as they watched their children try to cope with an inexplicable culture. The battle over books and teachings eventually moved to state and federal legal proceedings in which each of the competing groups sought to show that their values and world-view should become the official reality ordained by law. It is hard to know which group should be called "censors" in such a school war except if one assumes that censorship is the work of people out of power trying to take control from people in power. In Warsaw, censorship coincided with a conservative takeover of the school board, and pointed out to a community only dimly aware of it, the value choices made by schools in the ordinary process of policy making.

Both sides sought to control value orthodoxy through controlling literature and curriculum. But where the minority sought the right to have the children read Plath and the others if their parents so desired, the fundamentalists sought to ban such visions from the schools altogether. This desire to impose their views on dissenters as well as true believers was a sympton of the degree to which they felt their own views to be weakening in society. Their insistence on the rightness of their "way" was a reflection of the confusion beneath their certainty and the threat they perceived to their vision of life. Their longing for the customary and organic cohesion of the social network became a demand for order, however mechanical, however imposed. Their claim to parental rights

for the majority became an act of repression against the minority.

The liberal opponents of this censorship could cloak their desire to maintain control of school values in the honorific phrases of freedom of expression. Each side feared a society dominated by the other's values and wanted to protect their children from the false visions of others' beliefs. Whatever cultural assumptions and explanations may have underlied the uneasy peace preceding the censorship battle seemed like Yeats' "center" to lose its hold. Insecurity, fear and polarization replaced complaisance and apathy as competing families fought for control of a culture that seemed to have lost its center of gravity.

Like scapegoating censorship, this more ideologically articulate battle for control of culture transmission proceeds from the vague realization that the culture no longer holds the power of explanation. The scapegoaters' reaction to cultural weightlessness has been to define self and culture negatively -- to create the feeling of social morality by externalizing an illusion of educational immorality. The ideological book battlers react to the collapse of cultural explanations by attempting to impose their own, usually conservative, explanation and world-view on school curriculum. To them, culture can be legislated by school boards. For both kinds of censors issues as deeply personal and fundamentally non-rational as the meaning of life and the shape

of consciousness must be fought out through political mechanisms as mundane as school board elections.

The tactics used in both kinds of ideological warfare are questionable even from the point of view of the censor's own goals. Whatever process of compromise of values and shaping of culture might arise from policy-making in schools has been rendered useless by the politics of intolerance and polarization. If the lack of social cohesion gives rise to censorship, the emotional tactics of the censors make the creation of cohesion more unlikely than ever. But the parents who initiate or are drawn into the battle over orthodoxy in the schools cannot be justly condemned for their concern over the future of children or culture. However much they may have transformed their private insecurity into moral rectitude or their affection for their children into inflammatory attacks on their neighbors, these parents are reacting to a dilemma which cannot be escaped by anyone. It is socially destructive to offer a wholesale condemnation of those who are struggling to be free of cultural confusion, just as it is destructive for the censors to seek meaning through repression.

Even for those who do condemn parents battling for control of schools these struggles reveal something fundamentally confusing and even frightening at work in society. It is hard to avoid hearing ourselves in the censor's claim that community values must be rejuvenated in social institutions. The censor merely acts out a blind anger felt throughout a society that fears it is losing its vision. Most of us, for example,

absorbed almost unconsciously from childhood the assumption that if each pursued his or her own well-being individually, the net result would be justly labelled "the common good." By this calculus individualism and "looking out for number one" were not selfish (culture of narcissism), they were expressions of human dignity and independence. Yet every day inflation offers to prove that we require a collective response which is beyond the reach of our assumptions about self and life -- that the common sense which Einstein called "that layer of bias laid down in the mind before age eighteen" has become an education against survival. It is not our politicians, but our culture which has been lying to us. To see a problem like inflation as one requiring a collective solution would require us to dismantle a basic part of our understanding of culture and personality. Our daily experience, then, suggests that the individualist ideology does not work as it once did. When enough of these cultural assumptions become inoperative, a crisis of explanations looms, and censorship, though not defensible, becomes predictable.

If we cannot generate an empathy for the alienation expressed by censors, then perhaps another approach to understanding their actions will suffice. School censors and those who do battle with them do nothing more than what the common ideology of schooling has taught them to do. They take seriously the message embedded in one hundred years of compulsory, universal and publicly funded schools: that public education is the great cohesive force of a democratic society,

capable of being used to continuously improve personal consciousness and national character. Since the moralism of Horace Mann, American culture has supported and strengthened the idea that people could be saved from themselves and from the corruptions of society by constantly improving the schools and imposing the result on everyone. Censors take seriously the idea that the battle for men's souls can be fought through compulsory education. They do nothing fundamentally different than the "selectors" of books or designers of curriculum who are elected to state and local school boards, trained in professional schools of education or elected to legislatures. The censors have simply learned what the nation's schools have taught by their structure and action, that there is more at stake in influencing the education of other children than in controlling the education of your own.

On a still more mundane level, conversations with dozens of parents involved in battles over books and teachers make it clear that these people are seeking to redress an imbalance of power over their children's education. The growth of professional control of school administration and the eclipse of meaningful relationships between parents and teachers has left families with the feeling that they have lost custody of the child who goes to school. Parents who want their values and concerns for their children expressed in schooling are increasingly met with a wall of professional hostility and bureaucratic lethargy. It is not surprising that these people, unable as they are to procure private instruction,

should turn to an organized battle to regain control of the schools. Political action is a reasonable answer to lack of responsiveness of schools to the endlessly varied needs and aspirations of families. As censorship battles begin to show parents that there must always be losers as well as winners in the battle over values in school, the reasonable response becomes the only available response. The desire for more family power over a child's education is transformed by the zero-sum game of school policy into a political war over public orthodoxy.

Chapter 3.

Resurrection of Theocracy: The Special Case of Creationism

The war over public orthodoxy takes the form not only of exclusion of unwanted books and ideas from public schools, but of the forced inclusion of ideologies competing with the dominant ethic in the schools. One such situation is the spreading legal and political campaign of the so-called Scientific Creationists. Unlike the supporters of the law which led to the infamous but endlessly entertaining Scopes trial of 1927, these ideological warriors do not seek to make the teaching of Darwinism a crime, but to get Genesis into the nation's approved biology textbooks. The lesson of the modern struggle between God and Science which is beginning to be played out on the field of public school policy-making lies in the depth of differences between the two sides. It is a battle over the epistemology of daily life.

Scientific creationism has been making itself felt most

sharply in state-wide processes for the selection, not the censorship, of public school textbooks. In addition to mounting political campaigns in the 27 states that have state-wide textbook adoption procedures, the Scientific creationists have supported legislation in fifteen states to require the teaching of Genesis alongside evolution. The effort is not restricted to the nation's bible belt, but has been at least partially successful in states as geographically and socially disparate as Minnesota, California, Texas and New York.

The tenor of the creationist/evolutionist controversies has ranged from the staid arguments of scientists over the evidence supporting each concept to the colorful and sometimes demagogic claims of true believers. The honorable Braswell Deen, Jr. Chief Justice of the Georgia Court of Appeals, not long ago, ". . . made the case that the religious philosophy that now dominates our government and educational systems is atheistic humanistic evolution . . . [which] has conditioned our people for pro-abortion, infanticide, euthanasia, and cancerous crimes of all types." The judge's claims were made in a report to the state judiciary on the causes of crime. In another corner of the country Nell Segraves, who has been laboring for her vision of Christian belief since the early 1960's, has recently written that "It was easy to show that evolution is a principle of naturalism, which is basic to atheistic, agnostic, irreligious teachings and is the foundation of Communistic, Socialistic philosophy." Those who have defended evolution and Darwinism from the creationist attack have also lapsed into demagoguery and defensive ridicule at

times. Scientists supporting the idea that there is in fact evidence for creation as well as evolution have been attacked as "false authorities" who "get their doctorates in a box of cracker-jacks" and as a "bunch of right-wing conservatives . . . [who] indulge in every kind of logical fallacy to state a rather over-blown case." Alongside this hyperbolic rhetoric of charge and counter-charge a deadly serious battle has been going on.

The conflict is not unlike current battles to get prayer back into the schools or to provide public funds for sectarian education. All attempt to enlist the power of government behind the expression of religious values in the schools. The Scientific creationists are more sophisticated than the fundamentalists of an earlier era whose campaign to ban evolution altogether ended in a 1968 Supreme Court ruling that such a ban amounted to an establishment of fundamentalist religious beliefs. In one way, all these efforts to inject theology into schooling are noticeably similar to textbook battles based on secular values. Struggles over such things as the role of women in society, racial stereotypes, the structure of authority and the values justifying economic systems, may be nominally secular. But whether secular or religious, all these ideological interests are seeking control of the political apparatus of schooling. The Creation-Science Report of July 1979 recognizes this battle for control when, after noting that 5 million dollars has been appropriated by congress under ESEA for state citizenship education programs, it states that "until we can agree on whose values and ethics

we are going to implement . . . no values can be taught by tax supported school personnel." (emphasis in original)

The tactics of the creationists are to make a claim for "equal time" for creationism with evolution and to try to demonstrate the equal scientific respectability of creationism through experts. In this way they are able to capture the traditional political claim for tolerance, pluralism, and free inquiry while avoiding charges that they seek to establish their religious beliefs in school texts. Such tactics mask the fact that many creationists sleep in the same political bed with intolerant and anti-intellectual elements of the right-wing which oppose ERA, choice in childbearing, racial equality, and any form of dissent from Christian fundamentalist views of the world. In spite of this confusion of tactics, and the political associations of its supporters, the creationist movement has succeeded in raising basic questions about the ideology established in American schools.

One vehicle for examining these questions is the California state court suit brought in 1978 by a broad class of citizens and taxpayers. The aim of the suit has been to enjoin the state board of education from publishing and using a "Science Framework" which would have the effect of making it impossible for local school districts to purchase biology texts containing discussions of creationism. The named plaintiffs include children, parents, teachers, the Creation Science Research Center of San Diego, a U.S. Congressman and a state senator.

The suit claims that evolution is only a theory of the origin and development of life and that there are other valid

theories on this subject, namely scientific creationism. No mention is made of the validity of the creation theories of Hinduism, Buddhism, Shinto, or the Hopi Indians, although much of the evidence adduced for scientific creationism ala Genesis is actually a demonstration of the gaps in the theory of evolution. Because evolution and scientific creationism are both alleged to be acceptable scientifically, it is urged that the state has no constitutional basis upon which to adopt one theory for its texts without discussing the other theory or to treat one as fact and the other as theory. It is denied that scientific creationism is a religion.

The suit also claims that "the theory of evolution cannot be proven beyond doubt and necessarily involves an element of faith." Quoting an evolutionist, Professor Harrison Mathews, the creationist brief claims that

> Belief in the theory of evolution is thus exactly parallel to belief in special creation -- both are concepts which believers know to be true; but neither up to the present has been capable of proof.

It is argued that the faith which is required to accept evolution makes it a religion. The brief then links evolution with "Secular Humanism" which is claimed to be a religion which may not be "established" in schools because of the First Amendment. Thus the court is asked to take its pick: either evolution is a religion and may not be included in the "science framework" without violating the establishment clause, or both evolution and scientific creationism are scientifically valid theories which must get equal time in the state's approved biology textbooks. An attempt is made to reconcile these

seemingly contradictory views of creationism and evolution by claiming that the requisite government neutrality toward religion can be satisfied by requiring equal time for the two theories, whether they be scientific or religious. The case was dismissed by the lower court and is now on appeal.

However this case is eventually sorted out, it is an example of the struggle between rationality and faith which cuts to the core of the world-views competing for hegemony in American culture and schooling. The most significant aspect of the litigation, like the political efforts which are more widespread and more successful, is not the development of legal theory to support or attack the creationist position, but the social causes and cultural dislocations which give rise to the contests.

It has been suggested by one study of science textbook controversies that the causes for the renewed attack on evolution by space age fundamentalists lie primarily in a general social disillusionment with science and an anti-authoritarianism characterized by suspicion toward the arrogance of expertise. Certainly scientists are one class of the priests of explanation whose expertise is increasingly arcane and inaccessible to ordinary persons and even to experts in other areas. But the resurrection of theocracy is also at work here. The scientific creationists, careful to avoid the banner of religion and determined to make use of science itself wherever possible, are nonetheless plainly engaged in an attempt to impose a religious interpretation of the origin of life. Equal time

claims to the contrary notwithstanding, creationists seek to join their belief structure to the power of the state for the purpose of controlling the socialization of children. The truth of the creationists' claim is that those who adhere to the scientific world-view and equate the creationists with "the flat earth society" are also attempting to control public school ideology. Each side, the creationists and the evolutionists, have tried to avoid appearing to be engaged in a battle for control of public orthodoxy in schools. They have both publicly denied that they represent beliefs, values, religious or ideological interests; and have focused on the "objective truth" of their positions. Each has accused the other of being a value system or a religion while describing itself as objective and value-neutral.

But the claims to objective truth have only driven the controversy deeper into the national psyche; for now the battle seems to be about whether the culture's source of knowledge (and truth) shall be primarily faith, spirituality, and the revealed word or rationality, human will, and scientific inquiry. The stakes could hardly be higher than in a contest over the epistemology of a culture; and it is understandable that such a contest would arouse passion, defensiveness, self-righteousness, and fear. Here is a fragment of a speech given by Nell Segraves, one of the plaintiffs in the California creationist litigation:

> One of our main concerns was the way our children were being taught in the schools -- they were being taught that they evolved from other creatures rather than created in

> God's image. It seemed that many of society's problems hinged on this wrong belief. And there were so many problems -- I think that is what always scares us, there are so many problems but seemingly no solutions.

This fear of problems without solutions is really a fear of problems which have no agreed definition or explanation, for the explanation of a problem precedes and contains the germs of the solution to that problem. This lack of agreed explanations is made vastly more frightening by open conflict over the basis of truth in the culture. In helping to rekindle the contest between science and creationism, Mrs. Segraves has unwittingly pointed to the deeper crisis of collapsed explanations. In a study of "Science Textbook Controversies and the Politics of Equal Time," done by Dorothy Nelkin for NSF and MIT the following conclusion was reached:

> The recurrence of textbook disputes suggests that the truce between science and religion, based on the assumption that they deal with separate domains, may be a convenient but unrealistic myth. Religion as well as science purports to be a picture of reality, a means through which people render their lives and the world around them intelligible. . . It is clear that for many people, science, often unrelated to their experience, does not serve as a satisfactory explanation of reality on which to base their values. Failing to find a sense of personal integration from scientific beliefs, they seek alternative explanations.

Although the controversy between faith and rationality does not at present involve vast numbers of people in the United States, Nelkin's observation about the personal and cultural depth of this crisis is chilling. Regeneration has often been the ultimate result of such crises, but the potential

for the spread of uncertainty about the values which underlie the culture seems great. By some estimates there are over 45 million fundamentalists in America; and their contest with evolution is centered on control of the public institution presently responsible for the socialization of the next generation.

Chapter 4. Casualty List:
The Effect of the War over Orthodoxy

The search for "alternative explanations" is not restricted to those for whom Darwin was a devil, as the proliferation of other textbook censorship and control issues demonstrates. Given the number of basic issues of personal and cultural consciousness which are being contested in the school textbook battles, it is impossible to foresee what ideology or combination of beliefs will win the war over public orthodoxy. Neither the collapse of cultural explanations which precipitates this war nor the repression characterized by the attempt to impose explanations politically upon the schools suggest that any resolution is in sight.

Although the issues fought over in the textbook battles include values as diverse as the cultural definition of truth, the structure of authority, the significance of gender, racism, religion and sexuality, indications are that these contests only scratch the surface of school socialization. The public is becoming increasingly aware that schooling is never value-neutral and, lacking individual alternatives, increasingly interested in controlling the process of value inculcation.

Scholars are becoming increasingly interested in the ways in which this process takes place. Recently, for example, a number of studies of school history textbooks have demonstrated in considerable detail how the view of American history taught, learned, and tested for in public schools has reflected some political interests and not others. The most exhaustive study is Frances Fitzgerald's America Revised which documents the changing nature of America's history texts as a function of changes in national politics. Jean Anyon's shorter study, "Ideology and United States History Textbooks" is more pointed in showing that the texts have given a slanted view of labor and economic history which may have influenced the ability to organize unions among public school graduates.

Labor unions and other political groups have not yet joined the right-wing and the fundamentalists in large scale public battles over the content of textbooks. But the time cannot be far off when all parts of the political and social spectrum will realize with Professor Anyon that "Textbook history illustrates one way of imposing beliefs and constraining choice." Moreover, the parallel collapse of cultural explanations and enhanced understanding of school socialization will lead the search for alternative explanations to effect not just texts but all aspects of the schools' hidden curriculum which have "contributed to the formation of attitudes that make it easier for powerful groups, those whose knowledge is legitimized by school studies, to manage and control society." (Anyon, p. 382)

Present cases of textbook censorship and control are already complex. They include parent groups committed to different world-views and values and equally determined to have their views prevail in the schools. They also include teachers, whose professional identity is called into question by censorship; civil libertarians who struggle to make the First Amendment and the system of freedom of expression apply to compulsory schooling; school boards, which are often caught in a cross-fire between groups trying to control or possess them; and children whose curiosity and understanding are often stultified by being pawns in the ideological wars of adults.

- What Happens to the Teachers -

The advent of censorship in schools comes at a time when public esteem for teachers is low and their professional self-image is deteriorating. For the nation's teachers, the struggle over public orthodoxy makes a bad situation worse. As the head of one local teachers' association put it, after four years of struggling over who would control what went on in the classroom, "Teachers have a tendency to withdraw; they're talkers, not fighters . . . teachers get apathetic, feel rejected . . . their morale is low." The long-term destructive effect of censorship on teachers is observable across the country.

In Levittown, New York, half an hour from Manhattan, Charles Lipp, an expressive and talented high school English teacher, recalls his first reactions to the school board's decision that eleven works of fiction by Malamud, Vonnegut, Langston Hughes,

Richard Wright and others would be banned from library and classroom. "One teacher was looking after a class that was not his own when the principal entered the room walked over to him, and peeling back the left part of his suit jacket to reveal a paperbound copy of Malamud's The Fixer under his arm, asked in a hushed, gravelly voice 'Got any of these?' The teacher assumed that the principal was collecting a set for another English class to use and helped locate three copies around the room. Later we found out the books had been arrested and were being held without bail." According to the English teacher, the episode mirrored others in which books were seized or banned without reason and without any notice, discussion, or due process. It reminded him of Solzhenitsyn's descriptions of the frightening meaninglessness and disorientation that accompanies an arrest by secret police. In the years since these book arrests, the English teacher has been unable to figure out why the censorship occurred and whether it might occur again without warning. "I just looked out the window to see where the flying saucer had landed." For a year afterward the Engligh department was unable to decide on replacement books for fear of violating some unknowable boundary of propriety. "It got so we were saying 'we can't have a book with a Jew in it . . .' We thought of using Barabas, but that was too Christian . . ." The trauma of censorship was never far from this teacher's mind inspite of his continued good humor. "If we do this, will we get stomped on?"

In Warsaw, Indiana, a less seasoned, but talented and committed highschool teacher, Teresa Burnau, was put on trial for having feminist tendencies. Assigned to teach "Women in Literature," she had chosen works like Go Ask Alice and The Bell Jar which the principal promptly banned upon their arrival at the school. Five of Ms. Burnau's books were eliminated and though she objected to this social censorship, she accepted the task of trying to carry on with the class with almost no material. Between the banning of the literature and the termination of her contract, Ms. Burnau was exposed to harrassment, accusations of smut peddling, lack of support from most of her colleagues and neighbors, and the threat of having her reputation dragged through the mud if she pressed her suit for reinstatement of the banned books. She ultimately settled her case for a pittance and moved out of state. The Indiana Civil Liberties Union had refused her request for aid or advice of a lawyer associated with the school board's attorney. Though she understood clearly the struggle in which she and her professional judgment became the lightening rod for anti-feminist, fundamentalist discontent and secular power seeking, she never came to terms with the fact that the academic freedom and openness of inquiry which she had been taught to believe in and practice could be made a public offense by the democratic process. After leaving Warsaw and travelling 1000 miles for a secretarial job and a new start, she still could not lose the feeling of being the unexpected and irrationally chosen victim. "You see, when I

am forced to deal with the situation as it continues, even thinking about it, I become horribly afraid. The fear controls me. I don't want to talk to strangers. I can't even go into stores I've never been in. I perceive anything unfamiliar as a threat." The anti-feminist censors in Warsaw, Indiana also perceived anything unfamiliar as a threat; and they have temporarily succeeded in transmitting this part of their world-view to the teachers over whose shoulders they are looking.

In the California town of Anderson a few hours north of the laid-back cosmopolitanism of San Francisco, V.I. Wexner left his highschool teaching job for writing and farming. He had been hassled out of a generally successful role as the teacher who got highschoolers interested in reading literature. His classroom was a library of books of all kinds which had proven their ability to attract readers from among those who never cared much for reading. Wexner was turning television watchers into book readers. His mistake was to order books by Richard Brautigan. Titles such as <u>The Pill versus the Springhill Mine Disaster</u>, and <u>The Abortion: An Historical Romance</u> caught the eye of a principal concerned with local opposition to family planning or sex education. The books were initially judged by their covers, but pretty soon all of the Brautigan books in Wexner's reading room save two were on the way out as smut. It was a full decade since the board had banned Salinger's <u>Catcher in the Rye</u>.

Wexner's practice had always been to instruct students not to continue reading anything they found offensive and

consult with their parents about any questionable books. But parental control over their own children's reading was not enough to satisfy the righteous of Anderson, one of whom wrote in a local letter to the editor "the only education they (banned books) would be 'sound' for is if we are planning to turn out a generation of prostitutes and sex deviates." Wexner was the victim as much of his fellow teachers as of local book vigilantes. He had asserted by practice a view of teaching which other teachers could not afford to accept. One teacher attacked Wexner publicly for being "anti-authority" and running a class without anyone else telling him what to do. In spite of a clear willingness to let parents make reading decisions for kids, Wexner was accused of "trying desperately to make it so that there is no authority governing anything in his classroom. If he wins this case he will have really put himself in a position where nobody could touch him."

Wexner saw the issue not as one of alleged pornography but as one of competing images of what it meant to be a teacher in a public school. The irony of being attacked by colleagues was not lost on him. "Most of the attacks on me came from the faculty . . . I'd just written alot of these people off as square or out-of-it; but then it began to dawn on me that from their point of view they were in a holy war and I was an enemy of the state." The state's view of teaching was held not just by the teachers it tolerated, but by the administration of the school. Wexner wrote "I knew the principal had a fetish about the chain of command, but I thought that was because he

was a bully, I didn't see it then as part of a nationwide pattern. It's frightening. I obviously picked a bad time to be defending freedom of choice and the rights of those low down in the hierarchy."

Teachers like Wexner, Burnau, and Lipp must continually make complex judgments balancing their academic concerns with the interests and needs of their pupils, the parents, the school administration and the majority of citizens in the district. This process ceases to be individual and professional and becomes politicized by censorship conflicts which reflect the broad cultural concerns and narrow power interests of the community. A national survey of 2000 teachers by the National Council of Teachers of English shows that over 30% have had experiences with censorship. The result of these experiences from the point of view of the teachers is de-professionalizing and demoralizing.

The most palpable atmosphere created by censorship is a climate of fear. Students have observed that "It's too bad they're (teachers) so scared they can't let their talents out." Elsewhere a New York ex-cop who was narrowly defeated in an attempt to unseat a pro-censorship school board member on Long Island knew why "not one single English teacher would step forward" as plaintiff in a free speech suit. "People's jobs are on the line; and teachers are a dime a dozen." Teachers are not simply afraid of the consequences of resisting censorship, they are censoring themselves, growing less confident about their own professional judgment, and becoming so insecure

that they have trouble talking to each other about their reactions to censorship. Isolation and even collegial hostility are fear's companions. State and national teachers' unions have been reluctant to support those fighting censorship, apparently aware of how easily bargaining agents and whole professions can become the objects of witch hunting.

The suddenly shifting standards of teaching which are the result of repeated battles for control of books and curriculum focus teachers away from their students and even their student's families and toward powerful but unpredictable political forces. Teachers who are predisposed to consult with families about class plans find the relationships polarized. Both sides become defensive. Compromises in which teachers seek parental approval for reading are often blocked. As a result teachers may look increasingly up the bureaucratic chain of command for administrative controls. Here they often find that they have no meaningful forum for their professional input about book selection because all semblance of consultation and due process have been swept away by public hysteria over unpopular values. In Warsaw, Indiana the banning of Values Clarification after two years of use in the schools took about ten minutes of the school board's time, was preceded by none of the discussions prescribed by the board's own policy on book removal, and ended with the approval of a board member's motion that the book should be "thrown out, removed, banned, destroyed, and forbidden to be used."

If the fear, uncertainty, and kaleidescopic demands bred by censorship isolate teachers from their student's families, from their own professional standards, and organizations and from the school hierarchy, they have cast a pall over the teacher-student relationship. An east coast teacher knows from his personal experience that Go Ask Alice, the depressing autobiography of a teenage girl whose involvement with drugs leads to her death, has turned some kids off drugs. Yet the parents want the book banned because they fear it will corrupt children. Communication on this subject between teacher and student is disrupted by parental literal-mindedness. In the midwest, a tenured English teacher refused to respond to a student question because, she said, if she did she "might get fired." Within two hours the superintendent of schools knew about the remark and had the teacher directed not to discuss such things with her students.

Teachers begin to fear that some students will report a minor incident out of context to a parent who will precipitate a political disruption of the classroom. In Levittown New York, a single half-frame picture of an inter-uterine device on a film strip followed this route to a requirement that every audio-visual aid in the school system be catalogued and that none be used unless it appeared in the catalogue. Students see the self-protective isolationism of fearful teachers as apathy and wonder why the teachers are not more interested in students. Are the teachers there just to make a buck and go home, they ask.

The teacher-student relationship, like the doctor-patient, priest-penitent, or husband-wife relationship, is a delicate one; and like these relationships, it is important to the society as well as the individual participants. Especially when the students are young, but even in highschool, the learning connection is easily rigidified and snapped. This relationship needs the same kinds of protection which society offers to other so-called "privileged" relationships if any semblance of trust and subtlety is to be preserved and if schooling is to be anything more than a "twelve-year sentence." When teachers and students no longer feel they can be interested in one another, or fear expressing themselves, or feel they must examine every question or answer for signs that curiosity may trespass orthodoxy, teaching and learning lose their connection. Under such circumstances teaching becomes bureaucratized, learning is distorted by coercion, and schools become nothing more than political battlegrounds and institutions for the inefficient management of children's time. The struggles over textbooks and curriculum taking place around the country expose teachers and students to tensions, fears, and manipulation which can only worsen the already bleak prospects for useful education in public schools. It is ironic that such nihilistic consequences should flow from the actions of parents who believe that the schools do not develop values the parents respect.

At the base of the dilemma which censorship creates for teachers is a conflict between two images of the teacher's

role in public schooling as it is presently structured. One image, drawn from the days of tutorial education and from traditional concepts of higher education, is that teachers exercise independent professional judgment about intellectual, pedagogical, and value matters in the classroom. Because the students are underage in public schools, the exercise of this professional judgment requires taking into account the values and cultural assumptions of the child's family. As children approach highschool this image of the teacher's role is read to mean that students should be exposed to a variety of ideas and values and that wherever possible the classroom should be a marketplace of ideas.

The second, competing, image of the teacher in public school is a product of the general institutionalization of life. The teacher becomes the agent of the administrative hierarchy which in turn owes its allegiance to whatever passes for the local political majority. The school is in loco parentis for the local community's composite parent. The values which inform the hiring, direction, and firing of teachers as well as texts and programs are the values which the majority of the community are comfortable with. The reality of socialization as part of schooling K-12 is recognized by making the definition of that socialization -- of the transmission of culture -- depend upon the political control of the school system. The teacher as independent professional becomes the teacher as bureaucratic agent.

There is substantial confusion, uncertainty, and disagreement about which of these two images should operate in the public schools. The teachers themselves do not agree; and the censorship struggles have created a situation in which the law is being asked to establish one or the other image as official, enforceable reality. As power contests directed at the establishment of orthodoxy in the schools, censorship struggles assume the agent/bureaucrat model of teaching. In the cases currently before the federal courts school boards which have been attacked for stifling free expression defend themselves by insisting that they have the legitimate power to socialize children according to community standards. In Pico v. Board of Education, the Levittown, New York case involving Malamud, Vonnegut and other fiction, the Board of Education argued that "'a principal function of all elementary and secondary education is indoctrination . . . to transmit the basic values of the community. . . .' in secondary schools a 'prescriptive,' inculcative or indoctrinative process applies."

The Board was able to quote various legal scholars who take a similarly jaundiced view of the role of teachers and the structure of schooling:

> [Teacher control of curriculum] is at clear varience with the historically accepted societal view that the deliberate inculcation of the right societal values is a major function of American public education.
>
> -- Goldstein 1350)

> The secondary school . . . acts in loco parentis . . . It is closely governed by a

> local community. The faculty does not have independent traditions, the broad discretion as to teaching methods, nor usually the intellectual qualifications, of university professors. Among secondary school teachers there are often many persons with little experience. Some teachers and most students have limited intellectual and emotional maturity.
>
> -- Mailloux v. Kiley 323 F. Supp. 1392

The teachers know well enough what majority control of schooling decisions means though they are unaccustomed to hearing insults used to justify this arrangement. Shown the board's brief in Pico, one local teacher simply exclaimed, "I am not a teaching machine." Some of the parents in the same town recognize that as distasteful as it may be to teachers to be forced to adopt such an agent/bureaucrat image of their work, it is the way schools run. In the words of one woman, "The prevailing view of the teacher's role is as an agent of a school board running schools like hotels."

Many teachers, like those of Anderson, California, seem already to have internalized this role and to be willing to attack any of their colleagues, such as V.I. Wexner, who assert the contrary. Still other teachers seem not to know what to think of their role. They are caught between a desire for professional independence and respect and the fear of losing their jobs if they actually act as professionals. In Teresa Burnau's case an early discussion with the attorney for the state teachers association led her to indicate that she would take a reduced monetary settlement if the school board would insert an academic freedom clause in the next teacher contract.

The attorney's response was, "What's an academic freedom clause?" Clearly the professional image of public school teachers does not have the same currency as the agency image.

Some organizations, such as the NCTE and the ACLU have argued that academic freedom is inherent in public school teaching. They assert the professional role of teachers, confident that teachers can deal individually with parents about values if they can avoid dealing collectively with the political majority. But the reality of the teachers' position in an era of declining enrollments, and perpetual battles over value orthodoxy in schools makes this an unlikely development. They are simply too vulnerable to be able to do much creative and forceful thinking about what their role should be. And virtually none of them have been able to take account of the inevitability of socialization in schools in formulating a clear definition of the professional teacher's relationship to individual families and community majorities.

The head of the teachers association in the district involved in the Pico case claims that "a teacher's class is his or her own domain." He thinks the students and the books will survive the censorship struggles, but the teachers will be the real losers because of "the danger that the agent/bureaucrat role will take hold" as a result of censorship. Some legal scholars have seen an emphasis on the teacher's right to determine what to teach as a substantial countervailing weight to censorship (cite Yudof Texas LR). But none of these scholars, teachers, or parents have figured out how

to make an individual liberty like academic freedom meaningful where families are virtually compelled to send their children to schools controlled by political majorities. In order to take account of school socialization, the rights of parents to influence the values children are taught, and the professional image of a teacher's role, majority control of schooling will have to be re-examined. No one, least of all beleaguered teachers dependent on the current configuration of this 100 billion dollar a year industry is ready for that. Meanwhile, the image of teacher as tool of the political majority looms larger and larger over the public schools.

- What Happens to the School Board:
A Double Bind for the Willing Servant -

Censorship battles polarize school districts, creating the illusion of certainty among people struggling with confusion and alienation, sharpening apparent value differences, and bringing a climate of fear and recrimination into classroom and community. The school board is expected to defuse this tension and to create cohesion out of conflict. It is a job as futile as reconciling competing theologies. When Ivan Illich pointed out that "the school is becoming the established church of secular times" he might have been read by school board members in the United States as issuing a warning that it would be next to impossible for the school board member to avoid becoming a grand inquisitor.

How should a school board deal with censorship, the selection of teaching materials and the control of curriculum?

The board owes its allegiance, by appointment or election, to the majority. It is faced with the political expression of competing values which are at once deeply personal and broadly cultural in nature. Pulled and tugged by the agents of public orthodoxy to take a partisan stand, but prohibited by the structure of compulsory schooling from creating a system of voluntary family choice of alternative schools, the board is expected to choose victors and to mediate among the contenders. Neither position is workable. The board cannot end the conflict which disrupts the schools except by going out of business; the board's existence as the expression of majority control is required if the battle over public orthodoxy is to proceed.

Though the board may perceive itself as being caught unarmed in the middle of a political cross-fire, there is more to it. Ideology, like power, abhors a vacuum. If the culture's explanations have collapsed, causing doubt about what children will grow up believing about the world and how they will behave, then the board is expected to fashion a new community cohesion. It becomes the school board's job to save the children from the alienation and anxiety of their elders. Without even adequate political tools, the school board is being asked to solve cultural problems.

Of course, the nation has its share of school boards which are not only unconcerned with the dangers of politically imposed orthodoxy, but are the energetic allies or even initiators of censorship. Sometimes school board members

attend state or local conferences where hit lists of objectionable books are distributed along with page and paragraph references which enable them to know just what is wrong with a book without having to bother reading it. Parents who receive mailings from any of the scores of state and national groups whose aim is to sanitize library and curriculum often find a school board member who will join forces with them. Detailed examinations of the politics of censorship have shown that there are significant, if temporary, political gains to be made by school board members willing to express the anger of citizens frustrated by an illegible culture and an insensitive school system.

School boards which are not collusively involved in censorship efforts are typically unprepared to deal with them. There are four responses available to the board which is looking for a way to defuse apparently irreconcilable conflict over text or curriculum: compromise, judgment based upon educational criteria which are neutral as to content, due process in the handling of competing claims, and the idea of the classroom as a marketplace of ideas. For various reasons, none of these responses is satisfactory.

Compromise is often contrary to the interests of the parties to the conflict. To begin with, many people who seek the elimination or inclusion of books or curriculum want to use the schools to impose their values upon the entire population. They may wish to remove what they label pornography, they may want to excise sexism or racial stereotypes,

they may want to exorcise a devil or they may be agents of absolute morality. At bottom, though they wish to protect their own children, winning these ends is not enough to contain their anxiety. They wish to save the whole new generation. They do not like to see their children taught anyone else's ideology with tax money. Eventually, they will become so righteous that they see no reason why the public should resist paying for their ideology.

The attempts of teachers to resolve conflicts over books before they reach the banning stage provides further evidence that compromise does not accomplish the goals the combatants have in mind. In a number of situations teachers have proposed that only those children whose parents consent should read and study a book which has become controversial. School librarians, who are often the focus of censorship, have proposed that controversial literature be placed on special shelves where only family consent will provide student access. These suggestions have been turned aside not only by parents who seek orthodoxy before self-protection, but by school principals and superintendents who realize that a witch hunt is not a witch hunt unless the witches are publicly attacked and excluded from the community.

In many instances, compromise is structurally impossible. If the board is choosing one reading textbook for grade two, that book either shows girls and women in domestic roles only or it also shows them in socially meaningful roles. Two sets of books cannot be purchased and the composite image of gender

is not acceptable to at least one side of the controversy. The creation of state-wide criteria for textbooks -- such as that of California which is 10% of the school textbook market nationally -- often becomes extraordinarily detailed in its prescription of approved content. The compromises reached at this level are often totally artificial and satisfy no one, thus continuing the conflict. California's decade-long struggle over creationism and evolution in approved social science and biology texts is an example.

Judgment of text and curriculum which is supposed to be based solely upon "educational criteria" which do not deal with ideological content is often proposed but has yet to take on any reality. Because so many of the censorship controversies seem to be based upon either the arbitrary personal whims of the censors or the identifiable ideological preferences of one group or another, "educational criteria" are seen as a way of neutralizing the censors. These criteria resurrect the expertise of school officials and seem to insulate them from parents who cannot compete on a professionalized level. Teachers who describe their methods of choosing books lend credence to the educational criteria approach by pointing out that they choose books on the basis of whether they are teachable, interesting to students, appropriate to their age and intellectual maturity. Legal briefs written on behalf of parents resisting the removal of books they want their children to be able to study claim that school boards should have the burden of presenting an educationally justifiable

reason for removing a book or else the court should rule that "Instead of serving an educational purpose . . . the school board's action related solely to the social and political tastes of school board members." (Zykan brief - Bauer, p. 39)

Aside from the fact that none of the purportedly neutral educational criteria have really been articulated, the problem with this response to censorship is that it ignores the legitimate interests of the conflicting parties. However polarizing the tactics or effects of censorship may be, there is a level on which the complaining parents are in fact trying to arrange a sound education for their children. The values of these parents are violated by what they perceive to be going on in school, and they are entitled both to hold those values and to seek their extension to their children. The right of parents to influence the upbringing and education of their children cannot be successfully shunted aside with arcane discussions of pedagogy and child development. If there are "educational criteria" which do not deal with values in school, these are not what the parents are concerned with. Just at the point at which there ought to be a strengthening of the relationship between family and teacher, trying to professionalize issues would only add to the destructive isolation of parents from their concerns. The spread of censorship as a form of parental demand for influence over the schools indicates that parents are becoming too sophisticated and too energized to be shunted aside by an extra dose of professionalism.

Due process would appear to be the most promising way to transform book banning binges into sane discussions of educational policy. Taking the time to allow all sides to be heard, examining facts and comparing points of view instead of following the dictates of the Queen of Hearts, generating standards of judgment and applying them even-handedly, all would reduce the hysteria and the relentless political pressures which are typical of book censorship. Many school districts have adopted elaborate procedures printed in detailed manuals and filed with school board minutes where they are accessible to the public. But when the move toward censorship comes, these policies have been ignored in virtually all cases. Many of the controversies which have reached the courts are being fought on the grounds, among others, that the board of education violated or ignored its own policies for the fair and unhurried appraisal of claims for the removal of books. Due process is not the favorite of people who feel they have identified a devil and are hot on his trail.

The trouble with due process response to censorship, even if it were implemented, is that while it may cool some tempers and quiet some false indignation, it provides no guidance about how to reconcile the conflicting value positions of people who want the schools to move in very different directions. Censorship remains a conflict of belief and world-view which at times can be so deep that it defies reconciliation. Like religious beliefs, perhaps such differences of values are an inappropriate subject for reconciliation by public political

processes. This is not an argument against due process. In areas from television regulation to criminal trials, due process has proven essential to fair decision-making even though it does not provide substantive guidelines. But due process assurances of fairness, no matter how sensitive, do not remove the school board from its dilemma, as may be seen from imagining the effect of due process on a censorship controversy.

Suppose that a group of parents approach a school board with the demand that a number of books be eliminated from the curriculum and the library because they expose children to values unacceptable to the community. After making all manner of accusations about invasions of family privacy, encouragement of drug use and promiscuity, filth, smut and violation of religious scruples, the parents succeed in having the board ban the books, effective immediately. No parents with opposing views are heard and no teacher is asked to explain how the books are used or to evaluate the educational value of the books. None of the school board members have read the books. A small group of parents who are offended both by the tactics of the censors and by the results they achieve bring suit, claiming among other things that minority viewpoint parents were deprived of due process, and that therefore the board could not have made a reasonable decision. The court agrees and tells the board that it must reconsider the issue on the basis of its previously adopted policy of hearings, evidence, argument, and professional advice. What is the result?

Assume that the board complies with the judge's order and a reasonable discussion takes place; that in the more careful atmosphere the parent majority becomes more ideologically articulate, presenting in great detail how the challenged books create a pattern of beliefs which sanction anti-authoritarianism, are derogatory of girls who aspire to be housewives and mothers, are pacifist, collectivist, and anti-theistic. The books and their use in the curriculum are alleged to represent official support of moral relativism. Opposing parents are equally articulate in their claim that these values are valid and useful in modern society, that the content of books does not determine the beliefs and behavior of children, that majority parents seek to impose an orthodoxy upon public schools by banning dissenting views from the socialization process, and that the books are reputable texts and literature of proven educational value. If the board then decides that the books are not appropriate and should be eliminated from the curriculum and library because they trespass the values of a majority of the families in the community, has the conflict been resolved?

The offensive tone of the controversy has been eliminated, but the result is still the banning of books and the stigmatizing of beliefs which some parents hold sincerely and want communicated to their children. Whether the board's second decision is called "textbook selection: or "censorship," it chooses some values over others and takes a step in making the school socialization process the transmitter of some world-views and

the stigmatizer of others. The victory of the apparent majority is not likely to be tolerated for long by those who feel their children's consciousness is now being manipulated in a negative direction.

The fourth response available to school board members faced with the onset of the censorship plague is to attempt to include all value positions advocated by any parents, making the school system a "marketplace of ideas." The phrase is borrowed from a concept of freedom of expression by which every adult is assured the right to express opinions, hear them from others, and participate in the unfettered formulation of everything from public policy to personal consciousness. But the idea that public schools, like the society at large, should be a place for open and non-coercive exchange of views is more honorable than it is realistic. It appears from the examination of dozens of school censorship cases that virtually no school board members hold this concept of schooling or argue for its adoption. Its only remote referent is in the numbing and watered-down curriculum called "least common denominator." It is usually left to the attorneys for dissenting parents to make the claim for open and vigorous inquiry in public schools. Most school board members cannot contradict the argument of parents or of the history of schooling both of which recognize public schools as a 30-hour per week substitute for the child-rearing function of families.

The marketplace of ideas concept is considerably more practical at the highschool than the elementary school. As children approach the more complete development of their intellectual faculties and emotional security it makes more sense to believe that they should be exposed to new ideas and values and learn to know themselves and the world through a process of evaluating conflicting views of reality. The same could hardly be said for the second grader; and the argument for a conflict model of child-rearing has the ring of misunderstanding of children and convenience of parents which make schools such unsatisfactory childcare institutions.

The marketplace concept also ignores the reality of schooling as an institution. Institutions, even ones which are not total institutions, have a structure, rules, role models, and, in the case of schools, books and teaching materials which effect both the behavior and beliefs of people in those institutions. Providing equal time for contrasting viewpoints or ideas touches only the surface of the school milieu. The "hidden curriculum" has come to be recognized by education researchers as well as parents as a major source of socialization of children. The clear merit of avoiding overt, direct manipulations of consciousness does not substantially reduce the degree to which schools socialize children. (cite CR/CL article on re-ed of teachers)

The marketplace concept is at best a partial response applicable to higher grades in which highschool students can and often do assert their own right not to be pawns in any

group's well-intentioned effort to save the rising generation. But this response can also be the tool of groups who wish to maintain power over school socialization at all levels. The ringing call for freedom to teach and learn is often sounded by education professionals as a counterbalance to the right-wing. The argument was advanced with considerable evidence in a review of school censorship from World War II through the late Fifties that many censors were part of an interlocking right-wing directorate whose political goals extended far beyond control of curriculum. The same argument, with fresh evidence, is now being made about the current proliferation of censorship. In an article appearing in the Phi Delta Kappan and reprinted in a book entitled Dealing With Censorship, Charles Park presents the evidence for believing that a significant part of the current censorship is a manifestation of an organized "new right." He concludes that "The evidence reflects with startling clarity that right-wing interests have found the public schools a convenient target for unifying ultra-conservative ideology and traditional morality for political gain." Certainly the values of many parents support the idea that the right provides a lightening rod for public discontent and confusion. As Park points out, "The argument is advanced that when education is presented without reference to the truth as given by God, the schools in effect teach students to become atheists . . . . The themes are illustrative of a values conflict in which the New Right asserts that truth is revealed and that education must not be a vehicle for allow-

ing an individual to explore ideas independently, but rather to accept without question established truths by selected authorities. The dimensions of this conflict suggest the need for renewed educational concern about academic freedom."

With arguments like these, and even more urgent claims that any attack of the policies of public schools is the product of an organized right-wing effort, the stage is set for the marketplace of ideas to become the hero of all freedom lovers. The problem with this approach is not simply that it over-simplifies the complex and diverse sources of censorship -- left and right, black and white, establishment and counter-culture. It demeans parents whose concern for their own and their children's values extends to public school policy. In this context the marketplace position becomes a robe of secular sanctity behind which school officials can hide. The marketplace concept can be used to deny the inevitable socialization function of schools and to disclaim the plain fact that school boards and professional educators already prescribe that children shall "accept without question established truths by selected authorities."

The difference between the censors and those who cry "marketplace" is often simply one of ideology, however sincere and honorable the advocates of diversity in public schools may be. Jonathan Kozol's study of how the children of the well-to-do are educated in public schools reveals some of the ideology and socialization which the marketplace concept obscures or makes undiscussable. Kozol sees that "The containment of youth, which lies at the heart of school indoctrination,

depends upon the demolition of a child's ideological and ethical perceptions . . ." Some of the parts of the established ideology of public schools which Kozol uncovers with pained eloquence include inoculating the young "against vigorous response" to the exploitation which is the common lot of most of the world, "ethical numbness," "the myth of progress," the "inability to say no," the belief that no one bears responsibility for suffering and that "there are no victims" in the world and therefor no victimizers. As Kozol has seen it, it is not the right-wing or the Christian fundamentalists who aim to "kill off the conscience of the rich," but those who hold the reigns of power now.

> Most of all we might grow up without the shell, the casement . . . that protects us from . . . visible action on those evils we perceive. We might grow up to be brave and subversive human beings. It is against this ever-present danger that twelve years in public school protect us.
>
> -- Kozol, p. 17

Arguments that schools should be a "marketplace of ideas" are not particularly useful in ending pitched conflict over censorship. These arguments create the illusion that schooling can be value neutral, and obscure the values which are already the subject of the institutionalized indoctrination of children. As a result of the lack of utility of this and other responses, a school board might make to censorship, the most sincere, sensitive, and honorable persons in charge of public schooling have the uneviable and impossible task of dealing with value conflicts in which emotion is high and personal and cultural

stakes increasing. The responses which they have available to them are meagre at best. Worst of all is the dimly perceived possibility that no public servant, however willing, ought to be called upon to fashion cohesive community values where they plainly do not exist and where the attempt to do so is itself a major cause of conflict.

- What Happens to Children:
Growing Up With Censorship -

Censorship can be viewed not only as an attempt by adults to inject meaning into a fragmented culture, but as an attempt to save the children from whatever the adults fear. By the time these children are old enough to have reasonably independent intellects one wants to know whether they distinguish what is being done <u>for</u> them from what is being done <u>to</u> them. When the Amish community of Wisconsin successfully convinced the Supreme Court that compulsory high school attendance was an unconstitutional infringement on the community's religious values and practices, Justice Douglas wondered the same thing: "If the parents . . . are allowed a religious exemption, the inevitable effect is to impose the parents' notions of religious duty upon their children. Where the child is mature enough to express potentially conflicting desires, it would be an invasion of the child's rights to permit such an imposition without canvassing his views . . . the child has no other effective forum . . . ." At some point children cease being members of a family unit which has the recognized role of maintaining and transmitting values and become persons capable

of perceiving whether they are the pawns of a politicized struggle over culture.

In districts engaged in long-term struggles over book and curriculum control, the perceptions of highschool students suggest the outlines of the effect of growing up with censorship. A self-protective apathy -- the "shell" that Kozol perceives as insulating the young from their own reaction to reality -- is the prevailing though by no means exclusive reaction of highschool students to censorship. One California teacher in the thick of a censorship battle observed that "The people who fight are in their forties and fifties. The kids are indifferent and don't see it as a public issue -- they see it as bad but do nothing -- other teachers froth up their students (to support censorship)." Half way across the country a group of twelve sixteen and seventeen year olds are able to gather only 200 signatures on a petition opposing censorship and book burning in a highschool of over 1200. None of the students had ever read about or discussed the function of civil liberty in America or historical threats to liberty such as the red scares of the 1920's or McCarthyism in any of their classes. There is a practical justification for the outward show of apathy. "My parents," said one 17 year-old girl, "tell me not to get involved. They say, 'We have to live in this community!'" Further east, on Long Island, five highschoolers carry the burden of asserting the students' right to read. One observed that "Most of the kids don't care one way or the other."

The passivity, myopia, and fear-induced apathy of most students cannot be attributed solely to the battle over orthodoxy which takes place around them. These reactions are related to the mass production model of learning which pervades the entire school experience. Students are not supposed to react critically to what the authorities teach them with books, classes, and hall passes. Those who understand the closely controlled system of rewards and punishments which is public school know that the survivors -- those who graduate as good students -- are generally the ones who keep their heads down, follow directions, and confess a belief that the world is the way they are told it is. But censorship is seen by these outwardly apathetic students as a part of school which is consistent with the machine made message of passivity they confront daily. They see themselves as marking time while adults fight over power and fiddle with the schools. They know a battle is being fought over schools in which children have no role except as the passive recipients of the spoils.

The student apathy which meets censorship in schools seems to contain an anger, a fear, and an insecurity about the future. It takes a strong dose of external "order" and a heavy layer of internal apathy to contain these emotions; and it is hard to come away from a discussion with these students without feeling that they could explode in any direction if the conditions changed. It is even possible to imagine that in the battle over censorship, angry, fearful, and confused parents recreate themselves in these children and set the stage

for another generation's struggle over orthodoxy in schools. The parental ambiguity about personal power and social order is reflected in the work of professional censors who advise, provoke, and take political power from local parent groups. In one mimeographed review distributed by Education Analysts, Inc. of Longview, Texas, the following criticism of a teaching manual appears:

> "Punk Takes a Stand. Using Creative Dramatics . . . Punk's problem should remind pupils of similar experiences when they had to 'take a stand.' Encourage the pupils to interpret these experiences through creative dramatics. OBJECTION: No wonder students are 'taking a stand' today! They're being encouraged to in their textbooks!"

This is the same group which is pleased at its national success in getting parents to begin caring about how their children are educated and taking a stand for moral values in schooling.

A spirited minority of highschool students do take a stand against the politicized attempts to manipulate their consciousness, claiming a right to direct their own reading and learning, supporting teachers who become the arbitrary victims of censorship campaigns, running substantial personal risk of having their student newspapers banned, being hassled in school, excommunicated in the community, or sentenced to academic capital punishment, expulsion. They do not want to conceive of themselves as the product of any socialization process or the pawns of any power struggle; and they are willing to fight about it.

In Anderson, California where a teacher and a publisher are fighting the banning of five of Richard Brautigan's novels

from a classroom library, Ray Thomas, 16, is speaking out against his history teacher. Thomas took the class examination in February 1980 along with the other students in Dick Estes' class. Thomas was marked wrong on three true-false questions: 1) "The Russians believe they can defeat the U.S. in a nuclear war;" 2) "A coalition government means surrender to the totalitarian government;" and 3) "Social Security is a giant rip-off." Thomas wasn't pleased to be penalized for believing that Social Security is not a rip-off. Neither did he like Mr. Estes comment that President Carter is a "semi-retarded peanut farmer," or his presentation as fact of such ideas as "The U.N. openly proclaims its chief objective is to bring about a one-world government where Christianity would be prohibited." According to Thomas he is "just exercising my rights" and has "no idea what Mr. Estes may give his biased opinions on." And he never knows which opinions Estes may mark students down for disagreeing with. Ray Thomas is fighting a form of censorship which is more subtle than book banning. He is fighting the use of grades, examinations, and the power of teaching to force children to confess belief in views they do not share. Ray Thomas's parents back him, but so far they have been much less successful than the parents who want Brautigan's "filthy" literature removed from a reading shelf.

Brooke Zykan was a student at Warsaw Highschool in north central Indiana when the school board decided under parental pressure to ban five books, fire three teachers, terminate the student newpaper, and eliminate nine elective literature courses

from the curriculum. Like some of her friends and classmates, Ms. Zykan felt "intellectually dragged down" by the stifling effect which the censorship had on her teachers. In a statement made to the Warsaw school board, Ms. Zykan spoke for 200 students who "have the feeling we're being suppressed," and who demanded that the board "give us back our academic and intellectual freedom of choice." She shared with Studs Terkel a perception of the effect of censorship on children as "A new kind of child abuse perpetrated by persons who are terrified with life and literature and want to pass the fear on to their children." Unable to move a board locked in to the politics of local power and fundamentalist theology, Brooke Zykan became the plaintiff in a federal suit seeking to restore the banned books, courses and teachers. Though she had been able to generate signatures on her petition, she was the only student who had the personal courage and family support to become a plaintiff. Her family received obscene and threatening letters advising them to get out of town and "take your smutty family and your rotten concepts along with you." In her statement before the federal district court, Ms. Zykan spoke from personal experience about "the climate of fear and intimidation at the Warsaw Highschool," telling the court that "students must attend class in an environment of administrative surveillance." She reflected the deteriorating relationship between student and teachers, claiming censorship caused her "ability to learn, openly to express opinions and to reflect creatively on material presented in class" all to suffer.

Brooke has graduated from highschool, but the Civil Liberties Union of Indiana is still pursuing its appeal of a lower court ruling that bookburning in the heartland raised no substantial constitutional problems.

Steve Pico is another of the growing number of students who, with the help of civil liberties lawyers or student rights organizations, is willing to resist censorship. For Pico the battle to defend the right to read authors like Malamud, Cleaver, Hughes, and Vonnegut has become a preoccupation. He is nearly finished with college and has yet to see the end of the case in which he is a plaintiff or the controversy which has enveloped and polarized his hometown of 60,000 in Island Trees, New York. Pico has worked on the case consistently for four years. He takes his interpretation of censorship from a line in one of the banned books: "There are no wrong books, Yakov; what's wrong is the fear of them." It is fear of ideas which he sees gripping the predominantly white, Catholic, middle class suburb of New York City. This fear Pico cannot square with his own attitude that books and ideas "allow people to play out their fantasies" and to become more secure in their values "by comparing them to others." Pico is an example of a group of students who appear much less confused about values and culture than those adults whose certitude takes the form of demands for censorship. For him, the highschool is constitutionally compelled to be run as a marketplace of ideas; a formulation which he has no doubt is consistent with the power of school boards to socialize children so long as they do

not do so by the complete exclusion of any idea. Unlike the censors who he feels "act in an attempt to capture what is lost," Pico is too turned on to what is yet to be found to worry about the anxieties of alienated adults. His enormous energy for a prolonged battle seems to depend on believing there there are no irreconcilable value differences in modern American culture and that majority controlled school boards can be legitimate architects of community cohesion if only they will remain calm.

High school students in districts plagued by censorship are a good deal more insightful and intelligent than they are given credit for by censors. Even those who have adopted the protective coloration of apathy see the fear and anxiety of adults. But the most active students are as centered on their own values as the censors. Each is unable to transcend his or her own position for long enough to consider what might happen if school socialization were the province of family or individual consent rather than political coercion. Perhaps if the war over public school orthodoxy subsided and each side could put down the need to fight the other, the energy of the conflict and the identity it provides would be lost.

Chapter 5.

In the Land of the Blind, the One-eyed Man is King

With parents, political groups and censors of all imaginable persuasions and beliefs trying to gain control of public schools on behalf of their own conceptions of truth and right living, it is hardly surprising that civil libertarians

have entered the fray. Dissent is under attack; and the traditional watchdogs of individual liberty -- the American Civil Liberties Union, the Office for Intellectual Freedom of the American Library Association, The National Coalition Against Censorship -- have found themselves in scores of state and federal courts in an attempt to make the First Amendment relevant to the nation's public schools. In these legal battles, civil libertarians, unlike the censors themselves, see that censorship threatens the system of freedom of expression upon which democracy depends. What they cannot, or will not, see is that schooling without individual family choice must always violate these same civil liberties.

The First Amendment's string of seemingly separate civil liberties -- the right of free speech, press, assembly, religion -- protects adults against the imposition of opinion in any form by the government. Were it otherwise, the "just consent of the governed" would be a meaningless concept. The importance of this system of freedom of expression to American character and politics was underscored by the Supreme Court in a case decided while Hitler and Mussolini were gobbling up half the world in the name of fascism:

> If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.
>
> -- Barnette

The problem for civil libertarians has been to apply this

concept of freedom to public schools -- institutions in which attendance is compulsory, content is controlled, and children rather than adults make up the audience. The task of defending the right to dissent in an institution committed to the expression and transmission of community cohesion is formidable.

Some liberal defenders of public schools believe that the First Amendment provides little help in dealing with censorship. David Seeley, for example, President of the Public Education Association, has written, "Where in the equation of 'free speech in the schools' do we put . . . parents' fundamental liberty to raise and educate their children according to their own values? . . . waving the flag of free speech and the First Amendment and shouting 'censorship' doesn't answer it." The courts, on the other hand, have made it clear that the First Amendment does apply within the public schools, though with what effect is unclear. In 1969, the Supreme Court ruled that highschool students have the right to peaceful expression of unpopular opinion by wearing black armbands to school to protest the war in Vietnam. "In our system, state operated schools may not be enclaves of totalitarianism . . . [students] may not be regarded as closed-circuit recipients of only that which the state chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved." (Tinker 393 U.S. at 511) The case had affirmed the rights of the students only insofar as they did not cause a disruption of order within the school. Since the school authorities remain in control of the closeness

with which such order is defined, the Court in fact granted as much to the school board's power to control expression as to the students' right of dissent.

The same dilemma of balancing the power to socialize against the freedom of personal consciousness arises in censorship cases. As one of the nation's leading constitutional scholars observed in connection with the arm-band case: ". . . since schools are expressly permitted, indeed even created, to promote the very same lessons in the classroom which they are prohibited from dispensing by shibboleth and coerced ceremony, the allocation of power and control in the educational system has been the object of frequent struggles among groups and individuals within the community, each advancing its own meaning of 'liberty' adequate to sustain its own authority and generally conflicting with that of others." (Tribe 901-902) It is not easy to make liberty and compulsory education consistent.

In the struggle to make the First Amendment apply within schools, groups like the ACLU are doing work which must be done to protect the right of dissent. School boards and administrators in the dozens of censorship cases now in the courts have claimed an absolute and limitless discretion to control schools and "transmit community values." Unfortunately, civil libertarians, in an attempt to find some reasonable limitations on this power, have found themselves creating and relying on concepts which do everything but address the central contradiction between the structure of schooling and

the meaning of individual liberty.

The advocates of freedom of expression have found it impossible to ignore the plain fact that limited resources and space require that someone be charged with the responsibility of picking books to be used in public school libraries and curricula. The reality of compulsory schooling, like the reality of television and radio, is that there are a limited number of channels of communication available. The issue in public schools as in television comes down to apportioning access to these channels of communication among the contending parties. In school censorship cases civil libertarians have asserted the teachers' academic freedom and the students' rights to know, to learn, and to read as limits on school board power. In contending for this balancing of powers, however, many civil libertarians have accepted the legitimacy of majority control of socializaiton in the ordinary operation of schooling. The base line of agreement picked up by the courts in which these parties contest, therefore, has the duty and power to control the flow of information and the imposition of beliefs by controlling all aspects of schooling. The question becomes whether there are any circumstances in which the school board can be said to have gone too far in its socializing role.

In a brief by the ACLU in the Island Trees censorship case the issue is put this way:

> Though it is plain that traditional First Amendment doctrine prohibits the state from affording greater protection to the

> views of the majority than the views of the minority, the present controversy is complicated by the fact that it takes place in an institution -- the public schools -- that has, as one of its recognized goals, the transmittal and perpetuation of societal values. As the District Court noted, a principal function of public education 'is indoctrinative, to transmit the basic values of the community.' While recognizing the historic inculcative function of public education, the Courts have, nevertheless, been careful to point out that the authority of the state and of school boards, in these respects, it not unlimited."
>
> -- Pico brief, appellants, p. 11

By "recognizing the historic inculcative function of public education" which is controlled by political majorities the ACLU has substituted a number of lesser questions for the basic question of how a single school system can accommodate the competing desires of families to control how their children are socialized. From the point of view of those who assume the validity of majority controlled socialization, the ACLU position is totally realistic. For others, the contest is over before it begins.

The civil liberties groups who take the position that an intelligent balancing of powers among school board, teachers, and students can preserve individual freedom, have placed their hopes in existing community cohesion and in the use of due process and education professionalism in making schooling decisions. They must argue not only that each group should have an adequate input into a reasonable decision-making process, but that the criteria used by the school board in making decisions about books and curriculum must be reasonable

educational criteria. By such an argument the mere whim or arbitrary personal values of the school board may not be the basis for book removal; and neither may the board remove a book with the intent of imposing a single point of view upon the schools. In its request for the court to engage in a "concededly delicate" balancing act, the ACLU contends that "while school officials can and do foster certain majoritarian values, what they cannot do is to foster majoritarian values by eliminating conflicting values. To do that is to impose a 'pall of orthodoxy.'" In other words, socialization "by persuasion" is permitted while socialization "by coercion" is forbidden. This position is held in spite of the fact that the students' presence in the school is compulsory and their successful completion of the curriculum depends upon their outward agreement with their "persuaders." Even the claim that the school boards' rationale for removing a book must be "compelling," that the book must be shown to be harmful to students rather than just offensive to majority values, does not make the coercion/persuasion distinction meaningful in public schools.

The ACLU and others have thus allowed themselves to be sidetracked onto issues such as due process, reasonable educational criteria, and the meaning of persuasion to a captive audience. The issues are vital to the preservation of some form of dissent in the battle over orthodoxy; but only after the premise of majority control is accepted. Having accepted this premise, more second-level issues appear. A distinction,

for example, must be made between "censoring" a book and "selecting" a book. The former is alleged to violate the rights of the minority, the latter to be the duty of the majority. In the Warsaw, Indiana book burning feud this "crucial" distinction is described in the civil liberties brief as follows:

> In selection situations, the school board is choosing from a universe of potential materials, and both educational and budgetary considerations make it obvious that not all materials can be selected. In removal cases, however, it is clear that the members of the school board are targetting particular materials for their wrath . . . because the school board objects to the political, social or religious content of the materials.
>
> -- Zykan reply, p. 6-7

This is a classic case of a distinction without a difference, for which lawyers are famous. It is remarkable that so much energy can be put into defining the difference between selection and removal without ever asking if the very idea of an "approved text" for a captive audience might be contrary to the First Amendment.

The civil liberties union and others who defend the dignity of the teaching profession and the personal freedom of students to learn and to participate in open inquiry have not been able to make much headway in the courts. The results of cases which have thus far been decided in federal district courts are very mixed, with school boards winning some and teachers or students winning others. The judges in these conflicting decisions have issued equally ringing rulings to justify their positions. In Chelsea, Massachusetts, for example, federal

district court judge, Tauro, held that the school board of that town could not constitutionally remove a book of high-school writings from a school library simply because they were offended by the language of a poem, "City," in which a girl laments how men look at her on the street.

> There is more at issue than the poem City. If this work may be removed by a committee hostile to its language and theme, then the precedent is set for removal of any other work. The prospect of successive school committees 'sanitizing' the school library of views divergent from their own is alarming, whether they do it book by book or one page at a time.
>
> -- 454 F. Supp. at 741

Less than two hundred miles away a different federal court decided that one school district in New York City was justified in removing from the school library a book which described the life of people in another school district of the city.

> We find no impingement upon any basic constitutional values. . . . evidently some authorized person or body has to make a determination as to what the library collection will be. It is predictable that no matter what choice of books may be made by whatever section of academe, some other person or group may well dissent. The ensuing shouts of book burning, witch hunting and violation of academic freedom hardly elevate this intramural strife to first amendment constitutional proportions.
>
> -- 457 F.(2) at 291-292

The conflicts among these various cases create pressure for the Supreme Court to address the issue of censorship more clearly than it has in the past. But this same variation of lower court results also points to the substantial confusion which exists in the worlds of law and politics about the

function of schooling in a democratic society. There is a real danger that the Court may attempt to deal with the censorship issue on the basis of this confusion about schooling. Secondary concepts such as due process or selection/removal would then be cast in legal concrete, making it that much more difficult to face the questions which censorship really presents.

The traditional concepts of freedom of expression are not really applicable to public school, though the First Amendment clearly must apply to schools. In spite of the heroic efforts of some civil libertarians, it is doubtful that these traditional concepts can be made applicable. More important, their effort obscures a more basic issue about schooling -- the contradiction between majority control and the First Amendment rights of the minority. School boards which claim absolute power over their captive charges do so in the name of the mythical community majority, thus ignoring the rights of individual families to influence school socialization. To date, civil libertarians have defended the rights of some individuals to be free of "the pall of orthodoxy" without being able to take account of the right of other individuals to control the socialization of their children in schools. Both of these adversaries ignore the rights of families to hold <u>differing</u> values <u>and</u> to have them become part of the unavoidable inculcating process of schooling.

In essence, the concepts used by these parties have allowed them to avoid completely the significance of pitched inter-group

conflict over texts and curriculum. Because the emotional, personal and cultural reality of these conflicts is not taken into account, the solutions advanced do not hold the promise of abating these conflicts. Unless the fundamental importance of voluntary family choice is recognized in the debate over control of compulsory schooling, the war over orthodoxy in these schools is likely to continue its destructive effect on teachers, students, families, board members and political dissent in American society.

The lessons to be learned from the continuing war over orthodoxy in public schools are distressing:

-- That the explanations which are provided by American culture for present reality and the expectations for future behavior in that culture seem less and less valid to the public, and that there is, therefore, an increasing sense of confusion and alienation among people concerned with raising children.

-- That censorship of books and curriculum in the public schools is a symptom of this collapse of cultural explanations.

-- That the attempt to require consensus on all issues of conscience and culture in schooling breeds public strife, causes distrust among parents, teachers and students, immobilizes school governance, and fragments the culture even further.

-- That traditional concepts of civil liberty have not been adequate for dealing with conflict over orthodoxy in schools. The discussion of <u>access</u> to the public school as a value inculcator has been substituted for a discussion of

voluntarism and family choice of schools.

-- That the majoritarian structure of schooling, by requiring the attempt at coercive consensus, inevitably violates freedom of belief and expression; but that the combatants in these conflicts have refused to recognize this contradiction.

NIE-G-70-0161
Final Report

Conclusions and Recommendations

Part I of this report (on home education) and Part II (on book selection in public schools) presented detailed descriptions and commentary on two significant areas of conflict between families and schools. Much of what can be learned from these sections concerns the cultural setting, institutional constraints, and personal importance of family-school conflict. What remains is to examine the implications of these conflicts for law, to reach at least tentative conclusions about the utility of the legal process for dealing with these conflicts. This last section of the final report, therefore, presents general conclusions under the following four headings: 1) the limits of the adversary process; 2) the potential for mediation of school-family conflict; 3) the proper legal understanding of these conflicts; and 4) the meaning of privatization in education. Following these conclusions, four modest recommendations are made concerning the attitude of government toward schooling.

The Limits of the Adversary Process

Perhaps the most glaring conclusion to be drawn from the large number of conflicts between families and schools in the last decade is the failure of the judicial system to understand and cope with these conflicts. The legislative frameworks created to regulate home education and book selection are equally inadequate. The problem is not that decisions reached by courts and legislatures are incorrect, but that neither branch of government has been able to fashion a framework or a mechanism which provides enough guidance to enable the parties to avoid conflict or to resolve conflict without first polarizing large segments of the public. The parties have been unable to resolve their conflicts among themselves to their mutual satisfaction and have called upon the law as a last resort. The results reached through formal legal mechanisms have been virtually useless for the goal of reducing the general level of conflict. Increasing the sense of both the public and school officials that it is possible to cooperate to their mutual advantage has not resulted from litigation.

The most general explanation for the inadequacy of formal law has been that courts lack educational expertise and should avoid detailed involvement in the making of school policy. This almost traditional understanding of the role of courts in education is not appropriate to the nature of the conflicts described in this report. In fact, courts ought to be more involved in setting the broad parameters needed to protect family and school. Home education and book selection struggles have much more to do with the transmission of culture and the formation of personal conscience than they do with the transmission of culture and the

formation of personal conscience than they do with technical education policy. The reluctance of courts to consider in detail the liberty interests affected by these struggles is therefore not a virtue but an irresponsibility. Neither the claim for deference to expertise nor the argument that local control is at stake reflect accurately the nature of the conflicts; and these views provide an excuse for the courts to avoid their traditional role of protecting individual liberty and the proper functioning of the political system.

In the area of home education the limitations of legal process are far greater than the simple reluctance to delve into the business of education experts. In the thirty-one states which permit home education the central legal standard for approval of home curriculum is "equivalency" to the public schools. The vagueness of this standard invites over-reaching by school authorities and almost requires litigiousness by families. While the courts have agreed that some requirement of equivalency have no place in the approval mechanism -- for example, the requirement that a student be educated as part of a group -- almost nothing has been done to clarify the vast area of discretion involved in the term "equivalence." The right of parents to educate their children outside the public school system has been recognized for over fifty years, yet almost nothing has been said by courts or legislatures about how far the state may go in defining equivalence. The door remains legally open to substitute identity for equivalence and thereby to eliminate the right to an alternative form of schooling. Constitutional mechanisms are available for resolving the problem, but they have not been used. The courts might invoke the principle of "compelling state interest" as a legally required justification for the regulation of home education decisions made by parents, but they have not. A compelling interest is typically required where the state seeks to control a fundamental liberty such as religious freedom or freedom of speech. The courts have been able to avoid this approach to curbing arbitrary state power because they do not understand such liberties to be at stake in schooling decisions.

This failure to appreciate the deeply held values and matters of conscience which are at stake in home education struggles is the central reason for the failure of the law to deal with the reality of the conflicts which families and schools bring to them. The same problem arises with regard to conflict over public school books and curriculum. The parties are contesting over the transmission of values to the next generation, over the power to control socialization. If the public school authority is viewed by the court as legitimately in control of the socialization process on behalf of the majority of the local community, the logic becomes limitless and the conflict endless. Groups of parents with competing values must battle each other for power because the courts will not legitimize the right of all groups to control the socialization of their own children. If the law were prepared to admit the depth of these conflicts, the analogy to freedom of religious choice would be obvious; and the natural

solution would be to remove the need for all to agree on one form of socialization.

To date the law, even the law of the First Amendment, has been singularly unable to provide guidance or generate useful doctrine to deal with the problem of socialization in public schools. As a result these conflicts stand out as a vivid statement that there is a contradiction between the principles of freedom of expression and the majoritarian structure of schooling in the area of value socialization. The legal definition of the censorship conflict does not come close to the reality experienced by the disputants; and this in turn makes it impossible for the courts to protect the liberties of the disputants and uphold the majoritarian structure of schooling at the same time. The result will be a continuation of the conflicting federal court decisions and the proliferation of censorship struggles, not the resolution or prevention of conflict over school policy.

In the area of home education the law has been unable to generate doctrine capable of clarifying the endlessly vague discretion given to local school authorities to impose themselves on the consciences of individual families. In the area of book and curriculum decisions in public schools the courts have been unable to generate doctrine capable of harmonizing the majority's power of socialization with the liberty of families. In both groups of cases the gap between reality as experienced by the families and schools and reality as defined by law has been enormous. The law has therefore been an extremely limited tool for dealing with these conflicts, and will remain so until they are perceived as issues of conscience rather than issues of educational expertise.

The Potential for Mediation

The conflicts examined in this report have two characteristics which suggest that they may be inappropriate for mediation. The parties -- families and school officials -- do not have an on-going relationship which they want equally to maintain. Because either side can dismiss the other's views -- the school by a raw exercise of power, and the family by attacking or by opting out of the school system -- the incentive to compromise is minimal. Second, the substance of the issues is generally so basic to the personal or professional identities and world-views of the disputants that compromise involves too great a sacrifice for most of them. The emotional tenor of these conflicts and the condition of cultural confusion in which they take place further decrease the likelihood of a mediated settlement.

In many instances in each type of conflict compromise has been offered and rejected. Teachers have offered to teach only those books which individual parents want taught to their children; but some parents have insisted that the books in question be removed altogether and that no on study them. Third parties have suggested that with minor modifications a home education plan be approved experimentally pending some later proof of its efficiency; but parents have refused the proferred evaluation and

school authorities have insisted that their sole power to control home education be vindicated. Yet there have been a few instances in which the school authority and the family can see beyond rigid roles and escape the adversarial model which is thrust upon them by institutional structures and legal rules. Here mediation has been helpful, at least in ironing out secondary issues after the balance of power is clarified.

Mediation, of course, does not serve the needs of legalists or policy makers or publicists. It cannot create rules which reduce conflict in the future among parties other than the immediate disputants. It does not provide a public forum in which ideological issues can be exposed and advocated. Rather than symbolic victories, mediation provides a confidential exchange of views and positions, compromise, and a voluntary agreement which appears fair to both parties but may fit no one else's view of justice or good policy. To the extent, then, that home education and book selection conflicts are symptomatic of larger cultural dislocations, mediation may seen unsatisfying and even fruitless. When the emotions run so high and the issues concern the expression and formation of personal conscience, mediation may seem a still less likely process for the resolution of conflict.

On the other hand it should be recognized that the core of mediation as a process is the creation of trust between the disputants and the non-imposition of "solutions" by the mediators. This is the very antithesis of the adversarial process, which tends to exaggerate distrust and inevitably imposes judgment rather than seeking the agreement of parties. It should also be recognized that not all value conflicts are so deep that they are unresolvable. Furthermore, because mediation deals with the details of the disputants' perceptions and demands, rather than seeking to define relevance by means of pre-established rules of law, it is more likely that the real issues of a dispute will surface than appears to be the case in a court of law. These three factors -- the creation of trust, the refusal to impose judgment on the disputants, and the definition of the conflict by the disputants themselves -- all suggest that mediation might in fact be useful as a way of resolving some schooling conflicts in the areas of home education and book selection.

If mediation were used successfully in these conflicts, a great deal of patience from disputants and policy makers would be required, for the confidential and voluntary settlement of disputes is a painfully slow way of establishing a sense of community.

The Proper Legal Understanding of these Conflicts

It has already been suggested that the limitations of formal law for the resolution of school conflicts involving socialization are due in large part to the failure of court and legislature to recognize what is really at stake in these struggles. The same misunderstanding applies to education policy-makers and the public in general; and when this is corrected much of the conflict

is likely to be eliminated. At the core of these conflicts is the freedom of each family to participate in the formation and expression of its own beliefs. In legal terms, the issue is the First Amendment right of a family to be free of government coercion in matters of belief, opinion, world-view, and conscience except where some "compelling" state interest can be brought to bear. The only compelling interests which bear the test of time seem to be: the need for an education (but not a specific type of education), the elimination of racism as provided in the 13th, 14th and 15th Amendments, and the protection of children from physical abuse.

Of what consequence is it that the schooling conflicts studied here concern the formation and transmission of basic values from one generation to another? The depth of these conflicts suggests that they may never be resolved, indeed that they should not be resolved through political mechanisms. Attempts to impose solutions according to the will of the majority seem only to further polarize the community and increase the burden of conflict on the tenuous consensus upon which public schools must depend for their functioning. Any such impositions of values through socialization of children also threatens the freedom of belief of individual families and the legitimate formation of public opinion. It is the effect on the political system which is the most disturbing. This effect is most readily perceived through the lens of the First Amendment.

The First Amendment provides particular freedoms of press, speech, assembly and religion; but it is in general an expression of the dignity and worth of every individual, of the individual's right to hold and express beliefs and opinions. Politically, the First Amendment treats the individual as the central unit of political being, free to develop in his own way, to express himself, and to engage in the struggle to mold social institutions and public policy without government interference. The First Amendment guarantees individual and group expression and insures that opinions and beliefs are freely given and exchanged in a marketplace of ideas. The nation's public schools have sometimes been lauded as a marketplace of ideas; but the reality of the conflicts herein studied and the structure which seems to lead inevitably to such conflicts testify that public schools are not and cannot be marketplaces of ideas so long as they contain the element of compulsory socialization.

Applying the First Amendment to the world of universal, institutionalized education requires expanding the concept of freedom of expression to include the formation of beliefs and opinion. Free expression makes unfettered formulation of beliefs and opinions possible. In turn, free formulation of beliefs and opinions is a necessary precursor to freedom of expression. When the government is in the position of being able to regulate the formation of belief so as to interfere with personal consciousness, dissent becomes stilted by government-sustained ideological orthodoxy. The political consensus which forms the basis of the "just consent of the governed" becomes subject to

manipulation at its roots, in the education of the young. In conflicts over home education and public school book selection dissenters are struggling either to escape or to control public orthodoxy. The children of these dissenters represent the political opposition of tomorrow; and the struggle to impose a majority-approved consciousness upon them represents an effort to homogenize or trivialize opinion and eliminate political and cultural debate in the next generation.

It may of course be argued that families remain constitutionally free to pursue the value education they desire through non-public schooling. Even in the abstract this argument lacks force since the cost of alternatives to public education have become prohibitive to the vast majority of Americans. And the struggles reported in Parts I and II make clear that value dissent in schooling is met with general hostility from public school authorities or is squeezed out by the majoritarian structure of the schools themselves. The society that can utilize institutional power to reduce the individual's control over the development of personal consciousness has made that individual politically impotent. Under these conditions the government becomes a kind of political perpetual motion machine, legitimizing its policies through the public opinion it helps create. Those who are prevented from making themselves heard or whose participation in public affairs is restricted by government intervention in schooling are not only stunted in personal development and human interaction, but also become the victims of others who are better able to understand and express their own interests or their personal versions of the general welfare. Naturally the burden of preserving personal and cultural values in the absence of a meaningful right of educational choice falls most heavily upon the poor, the working class, and minorities.

If education policy makers would seriously consider the possibility that the present structure of education undermines rather than strengthens democracy, the complexion of these schooling conflicts might change abruptly. If we perceive that these people are fighting to preserve their beliefs and opinions, no matter how wrong-headed, then we must surely ask whether such matters ought to be left in the control of political majorities. And if we see that the long term consequences of denying family choice in matters of value transmission will be to fragment the school governance process and undermine the legitimacy of the nation's political system, we cannot avoid seeing ourselves as the next victims of intolerance.

The problem of restructuring compulsory public education to take account of the right to dissent is heightened by the particular cultural crisis through which we now seem to be passing. The numerous incidents reported as school conflict suggest a widespread doubt that our cultural assumptions can in fact explain the past or predict the future. Many people feel at sea, confused by dysfunctional values and swiftly changing realities, uncomfortable with the ambiguous complexity of shifting meanings and decreasing personal power. If the cultural confusion displayed by these people is more than

superficial, the stakes in restructuring education are vastly increased. The pressure of orthodoxy inevitably increases as the perceived validity of community values decreases. The more insecure are the citizens the more most of them clamor for controls, imposed values, order at any price. In the land of the blind, the one-eyed man is king.

The structure of schooling and the viability of political dissent are inextricably linked. At a time of cultural confusion the central problem becomes how to preserve the right of dissent so that society does not become brittle and repressive or chaotic and narcissistic. For education the problem becomes what structure of schooling can best survive the pressure for orthodoxy, and preserve the freedom of belief upon which the entire political structure rests. It seems clear from the conflicts reported here that the present structure of schooling is not suited to this task at this time.

Privatization in Education

The conclusion must seem clear enough by now that education is much more a private matter than the structure or ideology of American schooling suggests. Basic values and matters of conscience are so imbedded in schooling that institutional child rearing practices are not amenable to coercive control by political majorities. The call for increased privatization of schooling as a means of reducing conflict and resuscitating dissent in the political system implies nothing, however, about privatization in other spheres of life. It would be a great mistake to claim that the situation in education argues for the privatization of the economy, for example; just as it has been an historical mistake to translate a legitimate concern for the level of skill and intellectual development among the public into a coercively majoritarian form of schooling. This author wishes to clearly separate himself and the force of this report from the self-interested movement to privatize all spheres of community life.

The importance of privatizing education in the same way that we have privatized religious choices runs through all the conflicts in this report. The nexus of child rearing and value inculcation distinguishes these cases from behavior proscription among adults. But as important as this privatization is, it would be counterproductive and even dishonest if not joined with two other principles: the equalization of resources for education and the rigid prohibition of racial discrimination in schooling of any kind. The most poignant and dangerous problem in schooling choice now lies in the fact that the fundamental liberty to control the transmission of family values through schooling is allocated unequally on the basis of wealth. The system of taxation and distribution of school funds guarantees compulsory socialization for the poor as it creates free choice for the wealthy. To claim to be increasing family choice without equalizing the resources for effectuating such choices would be to perpetuate the unequal distribution of liberty and to insure the failure of a move whose goal must be to reduce unresolvable

value conflict and protect the health of governance in school and society. To fail to equalize resources for educational choice would further victimize those who presently suffer most from a lack of liberty.

The prohibition of racism in schooling is of equal importance in securing liberty in education. The history of education in America up to the last quarter century is the history of the white majority securing its liberties and privileges at the expense of blacks and other racial minorities. It is no accident that in 1750 it was a crime to teach a black man to read and in 1950 it was legal to use schooling as a means of stigmatizing blacks and depriving them of the resources needed for equal education opportunity. To this day, arguments for freedom of conscience and freedom of association are made by persons whose main purpose or effect is to continue the legally sanctioned victimization of minority races. If the privatization of education is to mean anything other than that a new set of tricks has been invented to further racism, the principle and practice of racial equality must be inextricably bound up with the move for greater liberty in education. (For a detailed treatment of the issue of racism and liberty in education, see Arons & Lawrence, "The Manipulation of Consciousness: A First Amendment Cirtique of Schooling," in Harvard Civil Rights/Civil Liberties Law Review, Vol. 15, No. 2, Fall, 1980.)

Recommendations

The following brief recommendations emerge from this study and from its conclusions:

1) The recognition of First Amendment consequences to the present structure of schooling and to any proposals for the alteration of school policy and structure should become a matter of primary concern to policy makers, lawyers and others who wish to protect the public schools and the system of freedom of expression. As environmental impact studies may be required to justify major governmental or industrial construction, First Amendment impact studies ought to accompany any education policy move which might affect family choice. The principles of equalization of education resources and prohibition of racism cannot be separated from such First Amendment impact studies. Equality of liberty is at stake.

2) The increased privatization of schooling decisions -- involving the decentralization of power, not to local school districts but to individual families -- should be a first priority in education policy making wherever such privatization can be accomplished without increasing income and racial discrimination in the distribution of liberty in education.

3) Further exploration through practice should be initiated to determine the usefulness of mediation as a technique for resolving school conflict without resort to the courts or political process. Existing mediation projects or new ones employing trained mediators should be funded specifically to

accept referrals of education cases and to report over a period of years the outcome of such mediation. Abstract research will not answer the question of what types of family-school conflict can successfully be mediated; and the growth of mediation as a voluntary practice provides ample clinical settings for exploration through practice.

4) The autonomy and professionalism of public school teachers should be supported to a much greater degree than it now is. Especially in a time of constricting resources and increasing public battles over value orthodoxy in public schools, teachers should have increased autonomy and power to reach accomodations with individual families. The primary negotiation about education quality and content should be between the family and the professional teacher. The bureaucratized and rule-oriented control of federal, state, and expecially local school agencies should be sharply curtailed and the attitudes of local and state education authorities should be changed from one of majority-oriented control to one of facilitating decision-making by families and teachers within broad guidelines designed primarily to distribute resources fairly and to prohibit racism. The shift of teachers' mentality from independent professionalism toward regarding themselves as bureaucratic agents must be reversed if school conflict is to be reduced and family influence increased.